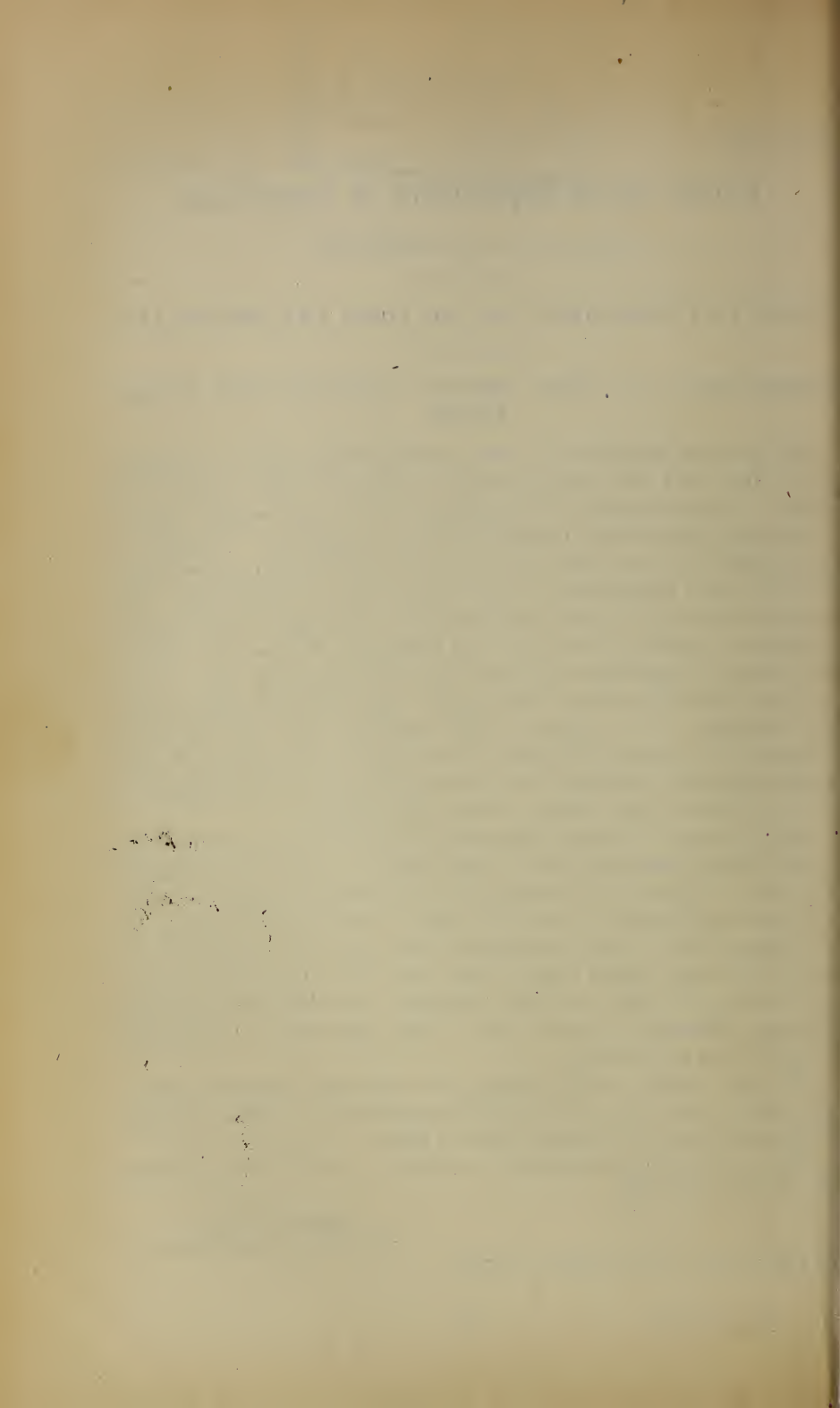


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# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 502, FOOD AND DRUGS ACT.

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#### ADULTERATION OF MILK.

On or about May 2, 1910, Lawrence B. Jones, of Dickerson, Md., sold and delivered at the Union Station, Washington, D. C., a quantity of milk. Dr. William C. Woodward, health officer of the District of Columbia, acting by virtue of authority of the Secretary of Agriculture, caused a sample from the above delivery to be procured and analyzed. As the findings of the analyst and report made indicated that the milk was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said Lawrence B. Jones was afforded an opportunity for hearing, and as it appeared after hearing held that this sale was in violation of the act, the said health officer reported the facts to the United States attorney for the District of Columbia.

In due course a criminal information was filed in the Police Court of the District of Columbia, charging that the said milk was adulterated, in that a substance, to wit, water, had been mixed and packed with it so as to reduce and lower its quality.

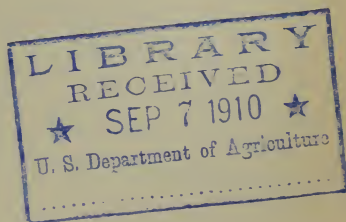
On June 8, 1910, the defendant entered a plea of guilty, and the court imposed a fine of \$10.

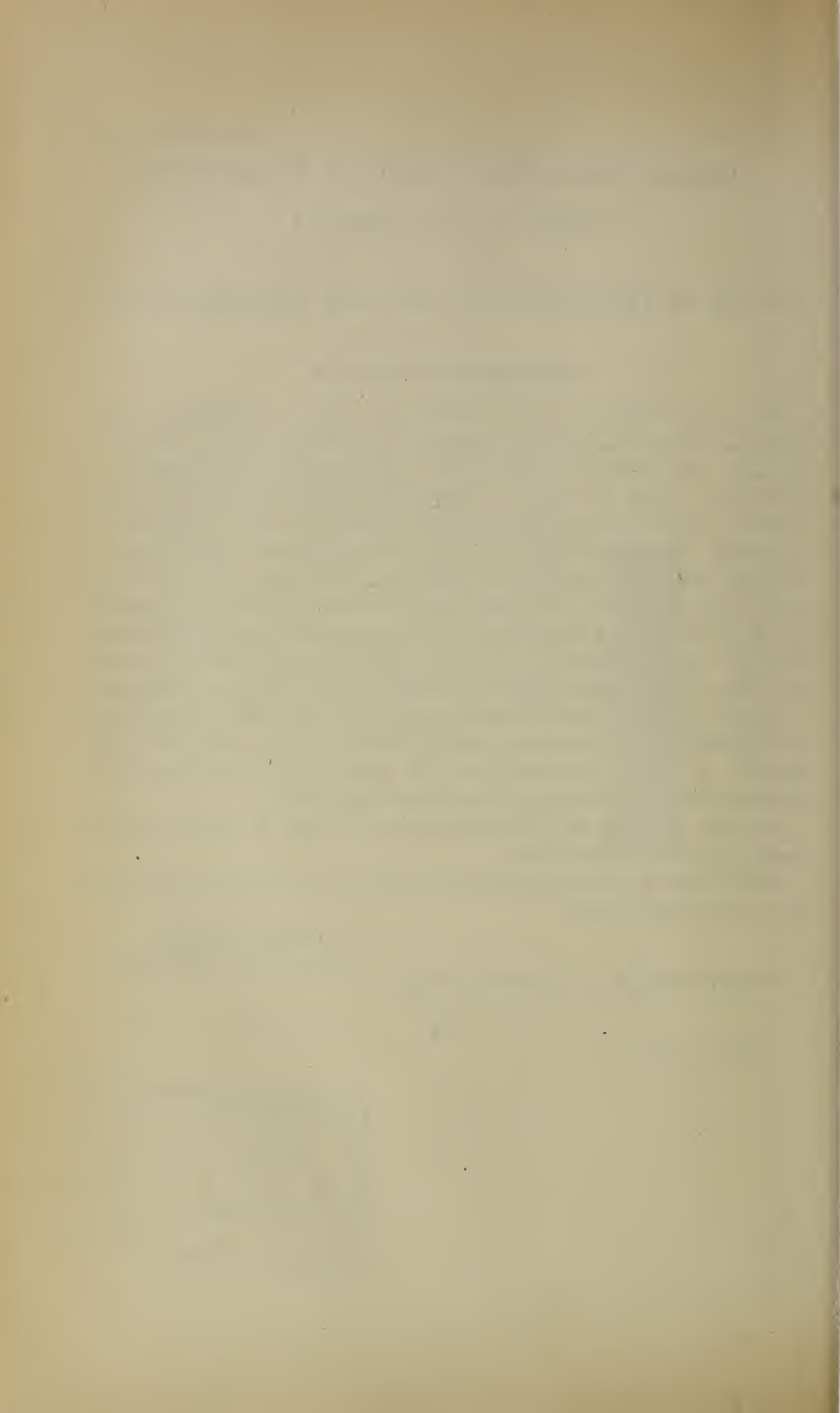
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *June 25, 1910.*

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# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

### NOTICE OF JUDGMENT NO. 503, FOOD AND DRUGS ACT.

#### ADULTERATION OF MILK.

On or about May 12, 1910, Edwin M. Horine, of Sellman, Md., sold and delivered at the Union Station, Washington, D. C., a quantity of milk. Dr. William C. Woodward, health officer of the District of Columbia, acting by virtue of authority of the Secretary of Agriculture, caused a sample from the above delivery to be procured and analyzed. As the findings of the analyst and report made indicated that the milk was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said Edwin M. Horine was afforded an opportunity for hearing, and as it appeared after hearing held that the sale was in violation of the act, the said health officer reported the facts to the United States attorney for the District of Columbia.

In due course a criminal information was filed in the Police Court of the District of Columbia, charging that the said milk was adulterated, in that a substance, to wit, water, had been mixed and packed with it so as to reduce and lower its quality.

On June 6, 1910, the defendant entered a plea of guilty, and the court imposed a fine of \$10.

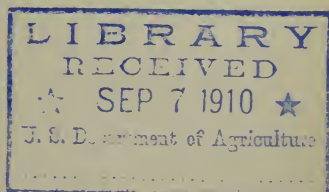
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

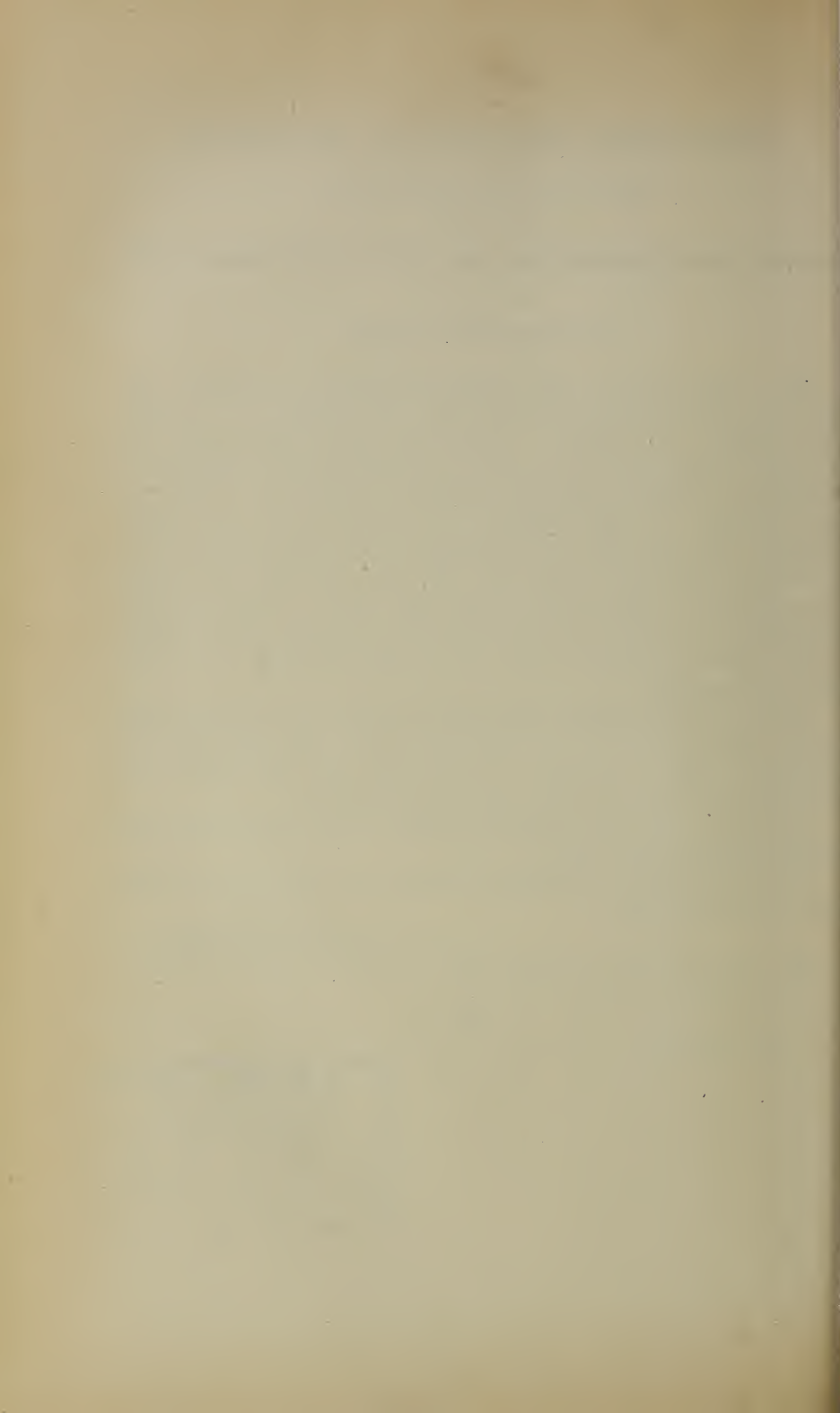
JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *June 25, 1910.*

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 504, FOOD AND DRUGS ACT.

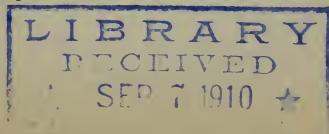
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### ADULTERATION OF EVAPORATED APPLES.

On or about February 17, 1910, William E. Shaeffer, Lockport, N. Y., shipped from the State of New York to the State of Maryland 17 bags of evaporated apples. Examinations of samples of this product, made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Maryland.

In due course a libel was filed in the District Court of the United States for said district against said 17 bags of evaporated apples, charging the above shipment and alleging the product to be adulterated, in that the said apples had been soaked in water so as to increase their weight, and the quality and strength of the said apples had thus been lowered and injuriously affected, and in that water had been in part substituted for said apples, and praying seizure, condemnation, and forfeiture of the product. Whereupon said William E. Shaeffer entered his appearance in the above proceedings and admitted the allegations of the libel above set forth.

The case coming on for hearing, the court, being fully informed in the premises, entered its decree condemning the above-mentioned evaporated apples and ordering their destruction by the marshal of said district, with a proviso, however, that should the claimant above mentioned pay all the costs of these proceedings and execute a good and sufficient bond in the sum of \$250, conditioned that the product libeled should not be sold or disposed of contrary to law, said product should be delivered to claimant. The cost having been paid and the bond furnished by said claimant, in conformity



with the decree above set forth, the product was forthwith delivered to him.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *June 25, 1910.*



Issued September 2, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 505, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF LEMON OIL.

On or about December 16, 1909, O. J. Weeks, doing business as O. J. Weeks & Co., New York City, shipped from the State of New York to the State of Virginia a consignment of a food product contained in a receptacle known as a "copper," labeled as follows: "From O. J. Weeks & Co. Manufacturers of Specialties for Bakers, Confectioners and Ice Cream Manufacturers 216 Franklin St., New York City," there being no other inscription on said container, but the product being invoiced as "25 lbs. Copper Lemon Oil." Samples from the above shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, said O. J. Weeks, and the party from whom the samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that the above shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

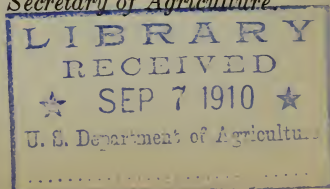
In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York, charging the above shipment and alleging that the product was adulterated, in that a vegetable oil, known as sesame oil, had been mixed and packed therewith in such a manner as to reduce and lower its quality and strength, and had been substituted in part for the article; and further charging misbranding, in that it was sold under the distinctive name of another article, and was labeled and branded so as to deceive and mislead the purchaser.

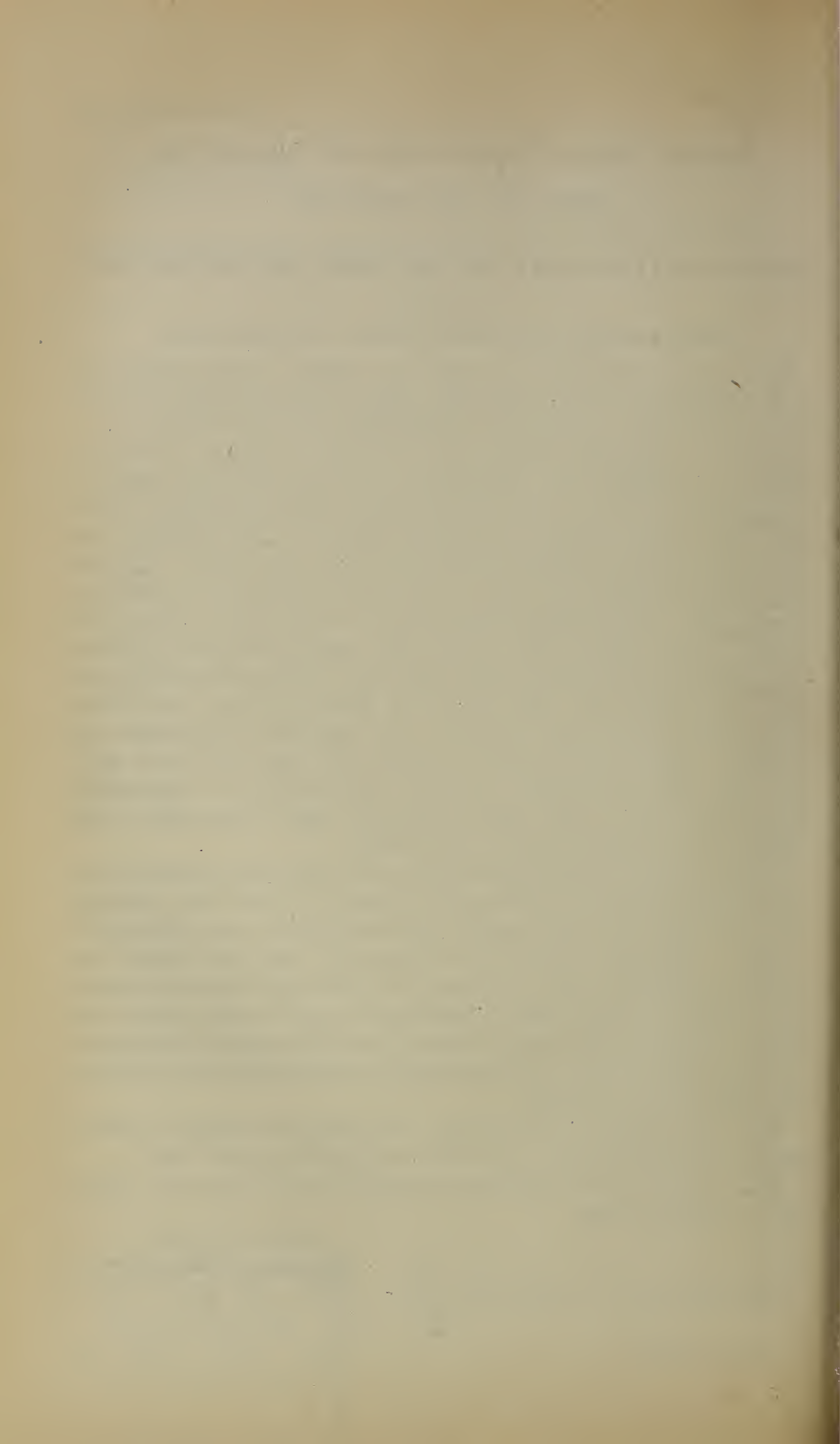
The case coming on for hearing, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$3.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

WASHINGTON, D. C., *June 25, 1910.*

JAMES WILSON,  
*Secretary of Agriculture.*





# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 506, FOOD AND DRUGS ACT.

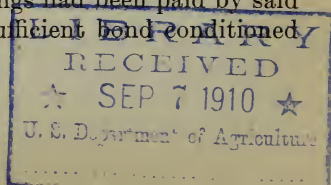
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#### MISBRANDING OF CODFISH STRIPS.

On or about November 8, 1909, the Union Fish Company, a corporation, San Francisco, Cal., shipped from the State of California to the State of Oregon 35 boxes of a food product, each of which boxes was labeled on the end thereof "Choice Codfish Strips Packed for Mason, Ehrman & Co., Portland, Oregon," and on the side thereof "Norway Cod Strips." Examination of samples of this product, made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Oregon.

In due course a libel was filed in the District Court of the United States for said district against the said 35 boxes, charging the product to be misbranded, because the above-quoted label was intended to and would deceive and mislead a purchaser thereof, and represented said codfish strips to be a foreign product when not so, the fish contained in said boxes having been caught in the waters of the Pacific Ocean, in the vicinity of the Pacific coast of the American continent, and packed and cured by the said Union Fish Company at San Francisco, Cal., or at some other place along the Pacific coast of North America; and praying condemnation and forfeiture of the product. Thereupon Mason, Ehrman & Co. entered their appearance and claimed the ownership of the product, and availing themselves of the provisions of section 10 of the act, filed and executed a bond in the sum of \$250, conditioned that if the product in question should be delivered to them and all costs of the proceedings paid by them it should not be sold or otherwise disposed of contrary to law.

The case coming up for hearing, and it appearing to the satisfaction of the court that the costs of said proceedings had been paid by said Mason, Ehrman & Co., and a good and sufficient bond conditioned



as aforesaid filed by them, a decree was entered ordering the condemnation of the product, but that it be delivered to said claimants in conformity with the provisions of the above-cited section 10 of the act, which order was forthwith executed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *June 25, 1910.*



Issued September 2, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

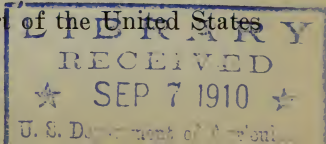
### NOTICE OF JUDGMENT NO. 507, FOOD AND DRUGS ACT.

#### MISBRANDING OF A DRUG PRODUCT—"CANCER CURE."

On or about May 12, 1908, the Dr. Curry Cancer Cure Company, a corporation of Lebanon, Ohio, shipped from the State of Ohio into the District of Columbia a consignment of fourteen drug products labeled respectively:

1. "Antiseptic Lint"; 2. "One Quarter Pound Hydrogen Peroxide"; 3. "Tersulphate of Iron"; 4. "Antiseptic Soap"; 5. "Wash 14 per cent Alcohol"; 6. "White Solution, contains 4 per cent Cocaine"; 7. "Brown Liquid, Alcohol 9 per cent"; 8. "White Powder, Acetanilid 25 per cent"; 9. "Liquid Poppy, Alcohol 14 per cent. Each fluid dram represents 1 grain purified Opium"; 10. "Anti-malignant Tonic No. 1, Alcohol 20 per cent"; 11. "Anti-malignant Tonic No. 2, Alcohol 10 per cent"; 12. (Small box of pills); 13. "Yellow Salve"; and 14. "White Salve"; all of which 14 drug products were labeled, in addition to the words above set forth, "Prepared for the Dr. Curry Cancer Cure Co., Lebanon, Ohio, U. S. A.," and purported to constitute a treatment for the cure of cancer. Samples of this shipment were procured and analyzed in the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the products were misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Dr. Curry Cancer Cure Company, and the dealer from whom the samples were procured, opportunities for hearings.

As it appeared after hearings held that the shipment in question was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution. In due course a criminal information was filed in the District Court of the United States



for the Southern District of Ohio, charging the above shipment, and alleging the products shipped as aforesaid to be misbranded within the meaning of the act, in that the labels above referred to were false, misleading, and deceptive in the use of the words "Cancer Cure," because they implied, held out, and represented that said articles and each of them would cure and be effective in bringing about the cure of the disease of cancer, when, in truth and in fact, said drug products, and each of them, did not constitute a cure for cancer; in that the product above referred to under No. 9, "Liquid Poppy," did not contain sufficient opium to justify the use of the words "Liquid Poppy" on the label thereof, said label being, therefore, false and misleading; in that the products above referred to under the numbers 10 and 11, as "Anti-malignant Tonic No. 1 and No. 2," did not contain ingredients justifying the use of the words "Anti-malignant Tonic," such label being, therefore, false and misleading; and in that the bottle containing the product above referred to as No. 12, "White Solution, contains 4 per cent cocaine," failed to bear a correct and truthful statement on the label as to the quantity or proportion of cocaine therein contained, the quantity of said narcotic being approximately 3 per cent instead of 4 per cent, as represented by said label, which was therefore false and misleading.

On June 9, 1910, the defendant entered a plea of guilty to the charges contained in the information above set forth, and the court imposed a fine of \$50 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 30, 1910.*





F. & D. No. 500.  
S. 184.

Issued September 2, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 508, FOOD AND DRUGS ACT.

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#### ADULTERATION OF PRESERVED WHOLE EGG.

On or about March 11, 1909, in pursuance of a report made by the Secretary of Agriculture to the United States attorney for the Southern District of Illinois, there was filed in the District Court of the United States for the said district a libel under section 10 of the Food and Drugs Act of June 30, 1906, by which proceeding it was sought to confiscate 50 cans of preserved whole egg, for the reason that the product was alleged to be adulterated in containing an added deleterious ingredient, to wit, boric acid, which might render said article injurious to health. On December 9, 1909, Thomas & Clarke, a corporation, entered a special appearance in the above libel proceedings, claiming to be the true and bona fide owner of the above-named product, and waiving and relinquishing all its title and interest therein to the Hipolite Egg Company, a St. Louis corporation. On the same date said Hipolite Egg Company filed an answer to the libel above referred to, denying the allegations thereof that the product contained boric acid, that boric acid was a deleterious ingredient, that it rendered said eggs injurious to health, and that the eggs were transported and offered for sale in violation of law.

The case coming on for hearing, jury was waived and the court being fully informed in the premises, rendered its decree in favor of the libellant, as follows:

#### DECREE OF COURT.

This cause having regularly come on to be heard on the 10th day of December, A. D. 1909, at the city of Peoria, and it appearing to the court that in accordance with the prayer of the libel filed herein, the United States marshal for the Southern District of Illinois, under the authority of a writ of monition duly issued, seized upon the premises of Thomas and Clarke, a corporation

doing business in the city of Peoria, State of Illinois, fifty-two cans of preserved whole egg, prepared by the Hipolite Egg Company of Saint Louis, Missouri, and thereupon gave due notice of said seizure and publicly advertised the same as required by law in such cases, and has since held in his custody said preserved egg so seized, and the said Thomas and Clarke having entered its appearance specially and having waived all right and title to said seized egg, and having consented that the Hipolite Egg Company might appear as the claimant and defend both in its own right as well as in behalf of the said Thomas and Clarke, and the said claimant having filed its answer and issue having been joined, and the libelant appearing by W. A. Northcott, United States attorney, and Henry A. Converse, assistant United States attorney, and the claimant appearing by Thomas E. Lannen, esq., and all parties interested having first stipulated in writing that the cause might be tried by the court without the intervention of a jury, and the evidence having been presented and the argument of counsel heard, the court finds:—

That said preserved whole egg is a food product intended for the consumption of human beings.

That said food product was shipped from the city of Saint Louis, in the State of Missouri, to the city of Peoria, in the State of Illinois, and remained within this jurisdiction unsold, and in the original and unbroken package.

That said food product is adulterated within the meaning of the act of June 30, 1906 (34 Statutes at Large, 771), in that it contains two per cent of boric acid added as a preservative.

That said boric acid is a deleterious ingredient which may render said article of food injurious to health.

That said food product is illegally held within the jurisdiction of this court and is confiscable and liable to condemnation as provided by said act of June 30, 1906.

Now, therefore, it is ordered, adjudged and decreed, that thirty days after the filing of this decree, the United States marshal shall take said fifty-two cans of preserved whole egg and totally destroy the same and that judgment be entered against the claimant for the costs in said case and execution issue therefor, and that the United States marshal shall make due report of how he has executed this order of this court, and shall report his bill of costs for said seizure, drayage, storage, advertising, destruction and all other necessary expenses incurred by him in and about said seizure, which said costs of the United States marshal shall be included in the court costs of this case.

HUMPHREY, *Judge*.

The court also made the following special finding as to the facts in the case:

Now on this day come again the parties hereto by their respective attorneys and this cause now being submitted to the court upon the pleadings and proof adduced the court finds the facts in this cause as follows:

#### SPECIAL FINDING OF FACTS.

The court finds the facts to be:

1. This libel is filed by the United States of America in its own right and prays seizure for condemnation of certain articles of food contained in fifty cans, more or less, purported and represented to be "Preserved Whole Egg" as hereinafter particularly set forth, in accordance with the act of Congress

approved June 30, 1906, and more commonly known as the Food and Drugs Act. This proceeding is brought under section 10 of said act.

2. The court finds that on or about May 14th, 1908, Thomas & Clarke, an Illinois corporation, with its place of business in the city of Peoria in this district and engaged in the business of conducting a so-called crackers bakery in said city, entered into a written contract with the Hipolite Egg Company, a Missouri corporation, doing business in St. Louis, Missouri; by the terms of which contract the Hipolite Egg Company was to put up and preserve a certain quantity of preserved whole egg.

3. Under the terms of this contract the Hipolite Egg Company prepared the eggs in question in this suit and on or about the 21st day of May, 1908, placed said eggs in a cold storage warehouse at St. Louis, Missouri, in the name of Thomas & Clarke, and a warehouse receipt covering said eggs was issued to Thomas & Clarke and forwarded to them by the Hipolite Egg Company, together with an invoice for the contract price of said eggs. Thereafter, on or about June 1st, 1908, Thomas & Clarke paid said invoice to the Hipolite Egg Company.

4. In the early part of November, 1908, Thomas & Clarke sent a written order on the warehouse where said eggs were stored to the Hipolite Egg Company for the eggs in question to be delivered to Hipolite Egg Company for shipment to Thomas & Clarke. Hipolite Egg Company thereupon presented said order to the warehouse and obtained said eggs and delivered same to a common carrier for shipment to Thomas & Clarke, at Peoria, Illinois.

5. Thomas & Clarke paid all storage charges on said eggs while in storage at St. Louis as aforesaid. Thomas & Clarke also took out insurance in its own name on said eggs while in storage at St. Louis as aforesaid, and paid all premiums thereon. Thomas & Clarke also paid the freight on said eggs from St. Louis to Peoria. Hipolite Egg Company received no extra compensation for taking said eggs from the warehouse and delivering same to the common carrier.

6. The court finds that said eggs were transported from St. Louis, State of Missouri, to Peoria, in the State of Illinois, as aforesaid and were received by Thomas & Clarke at Peoria on or about November 16th, 1908.

7. The said shipment consisted of one hundred and thirty cans, each can containing about forty-two pounds of eggs. Each can was a separate sealed package. The eggs in the cans were whole eggs, minus the shells, that had been broken out of the shells into these cans.

8. The court finds that the said eggs were an article of food and contained added to it a deleterious ingredient known as boric acid which may render such article injurious to health, and that the said eggs were in fact injurious to health, and the court further finds that the amount of boric acid contained in said eggs was approximately two per cent. And the court finds that said eggs were adulterated within the meaning of the Act of June 30, 1906.

9. Thomas & Clarke did not know at the time of shipment that said eggs contained boric acid. At the time of making said contract Thomas & Clarke did not know by what process Hipolite Egg Company would preserve said eggs, but did know that the eggs were to be preserved by having added thereto some kind of a preservative, in addition to being sealed in air-tight cans.

10. At the time of the seizure of said eggs they were stored in the storeroom of Thomas & Clarke in their bakery factory at Peoria, along with their bakery supplies. About 80 cans of said shipment had been used by opening said cans and pouring said eggs into a mixture of flour and other ingredients and thereby making a dough. This dough was baked into pastry, such as vanilla wafers, and this pastry was sold to the public. The fifty cans of eggs more or less, seized by the marshal were intended and about to be used for baking purposes

as aforesaid at the time of seizure, and said eggs were not intended to be sold as eggs in the original unbroken packages, or otherwise, but were to be used only as above set forth and were transported as aforesaid only for such purpose, but at the time of seizure said eggs were in unbroken original packages, as originally shipped and were then on the premises of Thomas and Clarke unsold.

Within the prescribed period the Hipolite Egg Company appealed from said decree to the Supreme Court of the United States, where the case is now pending, by both appeal and writ of error, on the ground that the trial court was without jurisdiction in the premises. The jurisdictional question involved was fully set forth in the trial court's certificate as follows:

#### CERTIFICATE OF JURISDICTIONAL QUESTIONS.

The District Court of the United States for the Southern District of Illinois hereby certifies to the Supreme Court of the United States that on the 18th day of December, A. D., 1909, a decree was entered in the above entitled cause confiscating said fifty cans more or less of preserved whole eggs and assessing the costs of said case against Hipolite Egg Company, claimant in the above entitled cause.

And this court further certifies that in said cause the jurisdiction of this court is in issue; and that said question of jurisdiction was raised in the following manner:

1st. The libel in this case was a proceeding in rem under section 10 of the act of June 30, 1906 (34 Statutes at Large, 771), against fifty cans more or less of preserved whole egg, the libel alleging that said eggs were transported in interstate commerce from St. Louis, Missouri, to Peoria, Illinois, and were adulterated within the meaning of said act.

2nd. It appeared from the evidence on the part of the libellant on the trial of this cause that said eggs before the shipment alleged in the libel had been stored in a warehouse in St. Louis, Missouri, for about five months, during all of which time the said eggs were the property of and owned by Thomas & Clarke, an Illinois corporation engaged in the bakery business at Peoria, Illinois, in this district.

3rd. On or about November first, 1909, Thomas & Clarke procured the shipment of these eggs from St. Louis, Missouri, to themselves at Peoria, Illinois; and upon receipt of said eggs Thomas & Clarke placed the shipment in their store room in their bakery factory at Peoria along with their other bakery supplies.

4th. These eggs were intended for use by Thomas & Clarke for baking purposes, and were not intended for sale by them in the original unbroken packages or otherwise, and were not so sold.

5th. Hipolite Egg Company, a corporation of Missouri, appeared as claimant of said eggs and intervened and filed an answer to said libel and defended this case, but did not enter into any stipulation to pay the costs of this case.

6th. Upon the close of libellant's evidence and again at the close of all the evidence counsel for claimant moved the court to dismiss said libel on the ground that it appeared from the evidence that this court as a Federal Court had no jurisdiction to proceed against or confiscate said eggs, because said eggs were not shipped in interstate commerce for sale within the meaning of section 10 of said Food and Drugs Act, and for the further reason that the evidence

showed that said shipment of eggs had passed out of interstate commerce before the seizure of said eggs in this case, because it appeared that said eggs had been delivered to Thomas & Clarke and were not intended to be sold by them in the original unbroken packages or otherwise.

7th. This court overruled said motions, to which rulings counsel for claimant then and there duly excepted, and this court then proceeded to hear and determine said cause and entered a decree finding said eggs adulterated and confiscating the same and assessing the costs of this case against the claimant, Hipolite Egg Company.

8th. Counsel for claimant excepted to the rendition and entry of said decree on the ground that this court is without jurisdiction in rem over the subject matter and on the further ground that this court is without jurisdiction to enter a judgment in personam against said claimant Hipolite Egg Company for costs of said case as aforesaid.

And this court therefore certifies to the Supreme Court of the United States the following questions of jurisdiction raised as aforesaid:

First: The question of whether this court had jurisdiction in rem over said eggs transported as aforesaid.

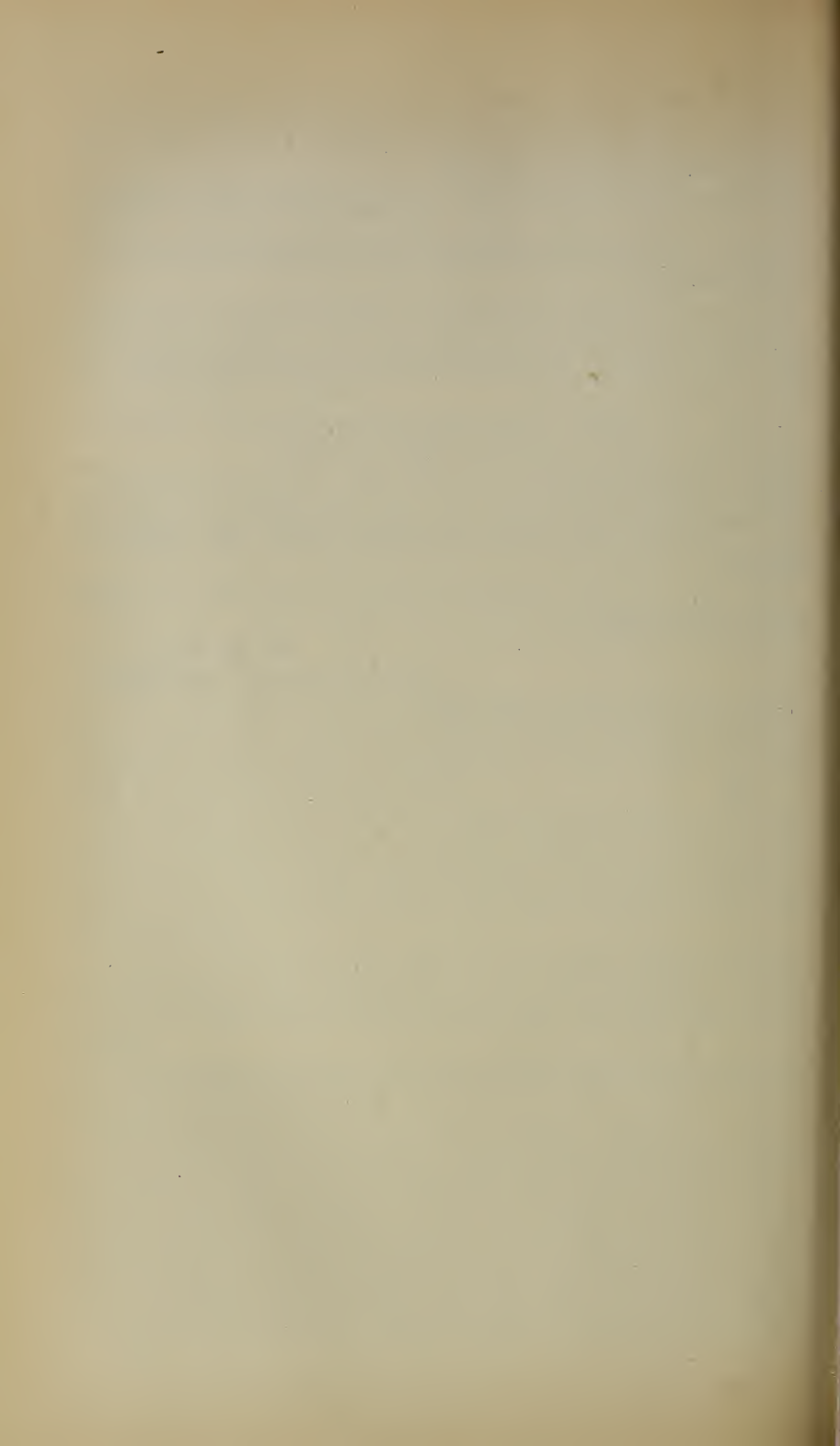
Second: The question of whether this court had jurisdiction to render and enter a decree for costs against the claimant, Hipolite Egg Company, in personam.

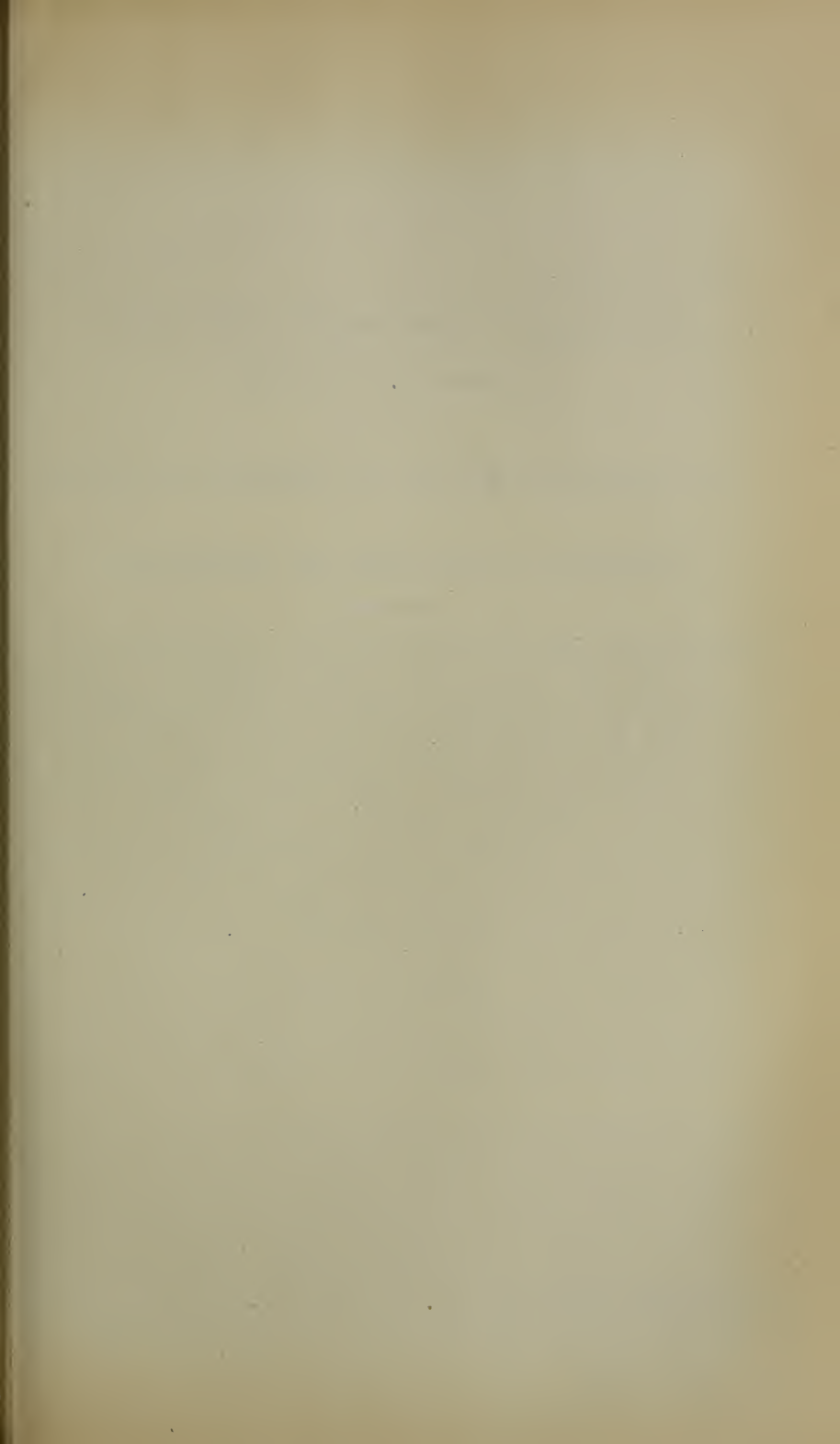
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

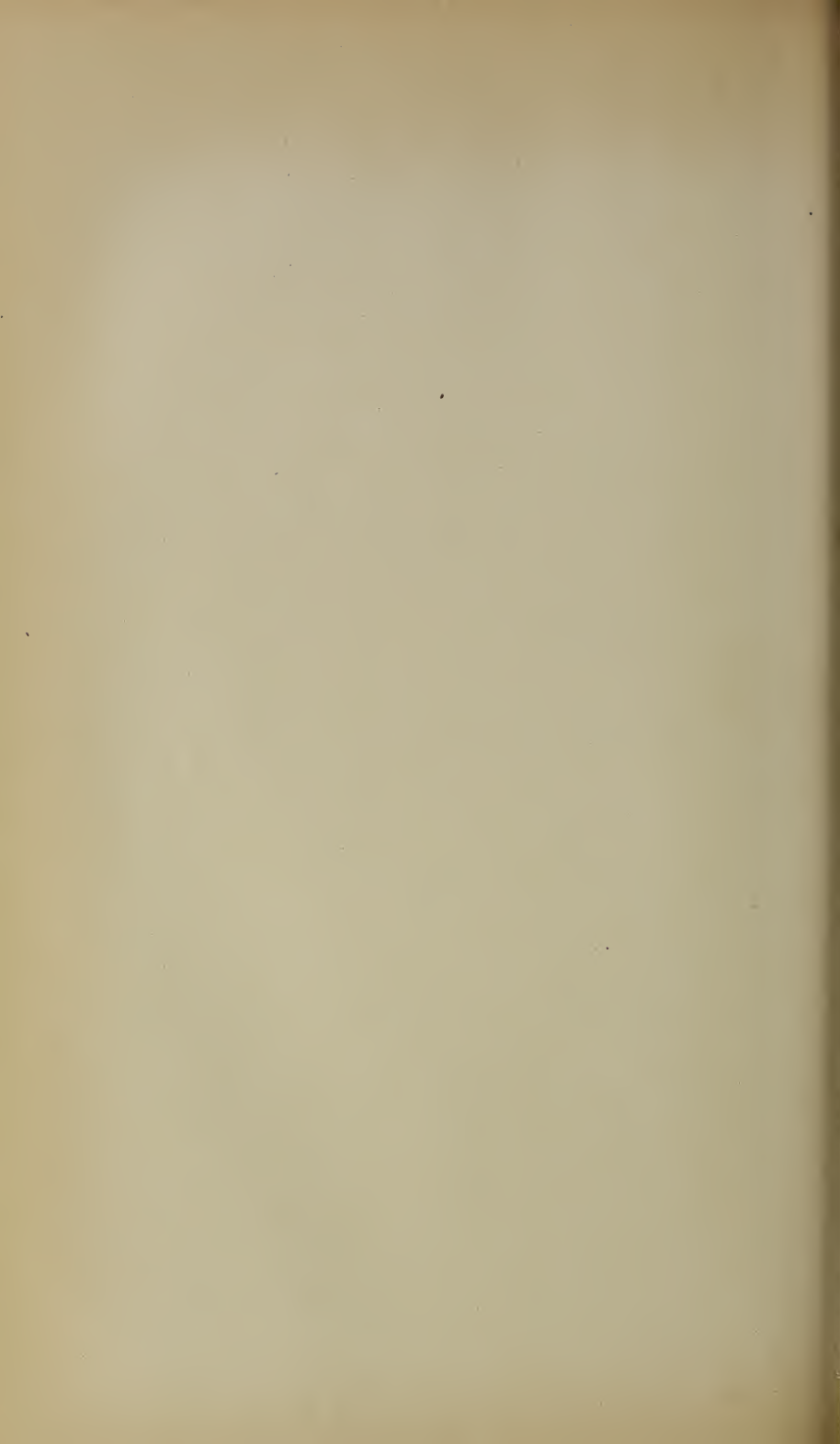
W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 29, 1910.*









Issued September 2, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 509, FOOD AND DRUGS ACT.

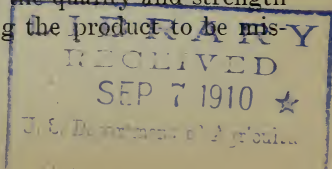
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#### ADULTERATION AND MISBRANDING OF PRESERVES.

(LOGANBERRY.)

On or about June 14, 1909, the Seattle and Puget Sound Packing Company, a corporation, Seattle, Wash., shipped from the State of Washington to the State of Oregon a consignment of a food product labeled "Liberty Brand Preserved Logan Berries Preserved with one-tenth of 1 per cent Benzoate of Soda Packed by Seattle & Puget Sound Packing Co., Seattle, Wash." Samples of this shipment were procured and analyzed in the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Seattle and Puget Sound Packing Company, and the party from whom the samples were purchased, opportunities for hearings. As it appeared after hearings held that the above shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed against the said Seattle and Puget Sound Packing Company, in the District Court of the United States for the Western District of Washington, charging the above shipment and alleging that the product shipped as aforesaid was adulterated, in that there had been substituted in part for said article of food a certain substance, to wit, commercial glucose, so as to reduce, lower, and injuriously affect the quality and strength of said article of food; and further alleging the product to be mis-



branded, in that it was so labeled and branded as to deceive and mislead the purchaser, the label as above set forth thus conveying the impression that said article of food was a compound of loganberries and sugar sirup, when in truth and in fact said preserves contained but a slight trace of sugar and approximately 23 per cent of commercial glucose, said glucose being a cheap article of less nutritive value than sugar and having no sweetening qualities.

On June 16, 1910, the defendant was arraigned and entered a plea of guilty to the information, whereupon the court imposed a fine of \$20 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *June 30, 1910.*





Issued September 2, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 510, FOOD AND DRUGS ACT.

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### ADULTERATION OF MILK.

On or about August 17, 1908, Mrs. M. S. Piercy delivered for shipment and shipped from Lenexa, Kans., to Kansas City, Mo., a quantity of milk. Samples from this shipment were procured and analyzed in the Bureau of Chemistry, United States Department of Agriculture. As the findings of the analyst and the report made indicated that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said Mrs. M. S. Piercy, and the party from whom the samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that said shipment and delivery for shipment were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information, containing two counts, was filed in the District Court of the United States for the District of Kansas against the said Mrs. M. S. Piercy, charging the above delivery for shipment and shipment, respectively, and alleging that said milk was adulterated in that water had been mixed and packed with it so as to reduce and lower its quality and strength, and that water had been substituted in part for said milk.

On August 12, 1909, the said defendant pleaded guilty to the information, whereupon the court imposed a fine of \$5 on each count thereof, together with the costs of prosecution taxed at \$20.45.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 6, 1910.*







F. & D. No. 169.  
S. 67.

Issued September 2, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 511, FOOD AND DRUGS ACT.

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#### MISBRANDING OF CANNED CORN.

(SHORT WEIGHT.)

On or about April 24, 1908, the Iowa Canning Company, of Vinton, Iowa, shipped for sale from Garrison, Iowa, to Arkansas City, Kans., a consignment consisting of 325 cases, more or less, of canned corn. An examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed that it was misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and the report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Kansas.

In due course a libel was filed in the District Court of the United States for the District of Kansas, charging the shipment, as aforesaid, and alleging that the product was misbranded, in that the said cases were labeled, "2 Doz. 2-lb. Pride of Garrison Extra Quality Sugar Corn. Packed by the Garrison Canning Co., Garrison, Iowa," when in truth the said cases, instead of containing 2 dozen cans of 2 pounds each, contained 2 dozen cans of much less than 2 pounds each, said cans being about 21 ounces in weight.

The libel also prayed seizure and condemnation of the product aforesaid for the reasons therein set forth. Thereafter the Ranney-Davis Mercantile Company appeared as claimant to the property seized and moved the court to discharge said property. Whereupon the court decreed that the goods be delivered to said claimants, upon the payment of all costs by the said Ranney-Davis Mercantile Com-

pany, and upon the execution by said company of a good and sufficient bond in the sum of one thousand dollars, to be approved by the court, conditioned that said goods seized, as aforesaid, should not be sold or otherwise disposed of contrary to law, state or national.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 6, 1910.*





Issued September 2, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 512, FOOD AND DRUGS ACT.

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#### ADULTERATION OF MILK.

On or about August 17, 1908, D. W. Hall and Richard Lewis, trading as Hall & Lewis, delivered for shipment and shipped from Lackmans, Kans., to Kansas City, Mo., a quantity of milk. Samples from this shipment were procured and analyzed in the Bureau of Chemistry, United States Department of Agriculture. As the findings of the analyst and the report made indicated that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said Hall & Lewis, and the parties from whom the samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that said shipment and delivery for shipment were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information, containing two counts, was filed in the District Court of the United States for the District of Kansas against the said D. W. Hall and Richard Lewis, charging the above delivery for shipment and shipment, respectively, and alleging that the product was adulterated in that water had been mixed and packed with said milk so as to reduce and lower its quality and strength, and that water had been substituted in part for said milk.

On April 12, 1909, the said defendant Hall & Lewis, by Richard Lewis, pleaded guilty to the information, whereupon the court imposed a fine of \$5 on each count thereof, together with the costs of prosecution taxed at \$22.10.

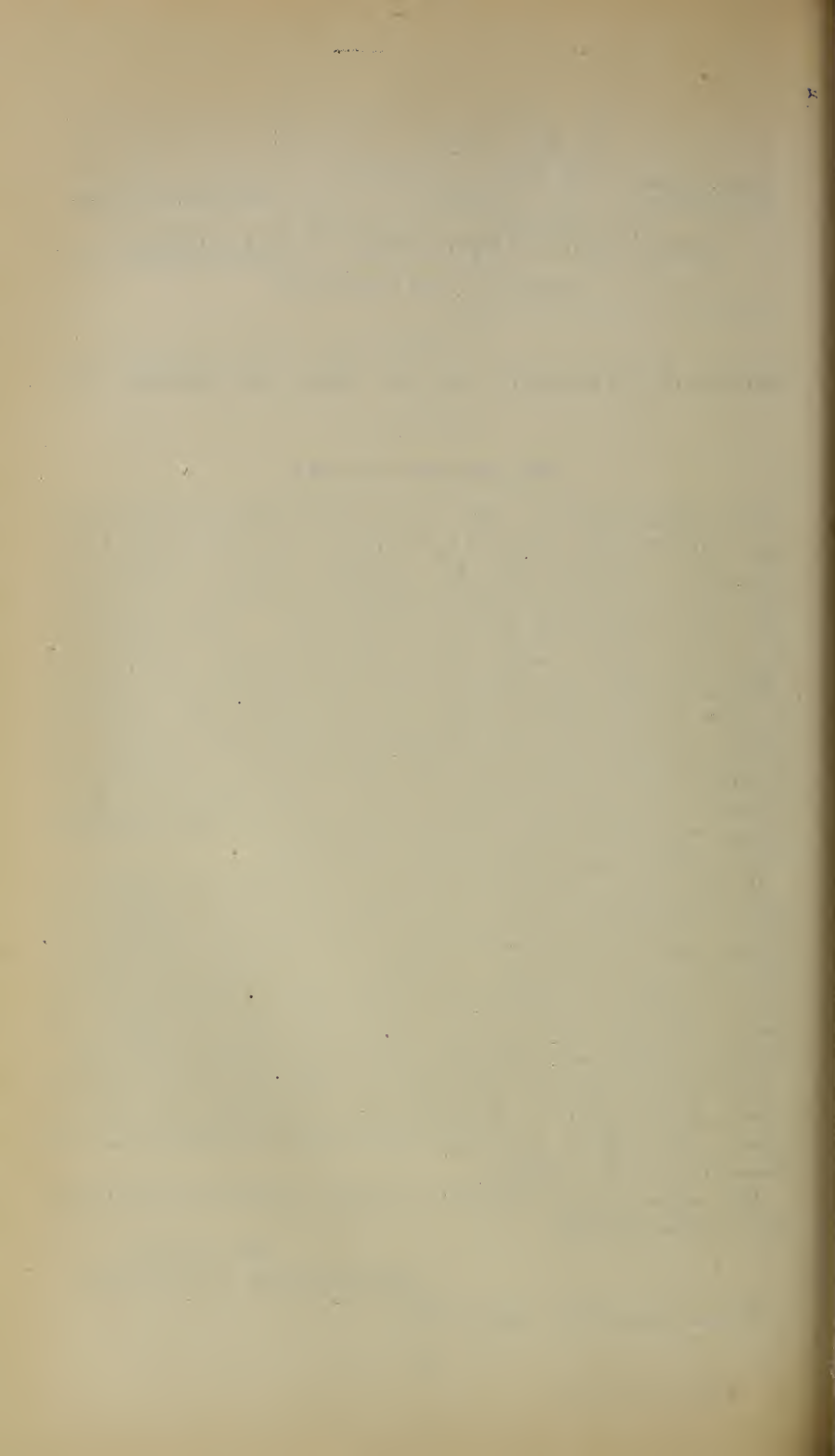
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

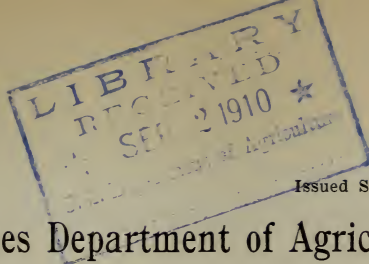
W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 6, 1910.*







Issued September 2, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

### NOTICE OF JUDGMENT NO. 513, FOOD AND DRUGS ACT.

#### ADULTERATION OF CREAM.

On or about August 18, 1908, J. B. Todd, trading as the Edgerton Creamery Company, shipped and delivered for shipment from Edgerton, Kans., to Kansas City, Mo., a quantity of cream. Samples from this shipment were procured and analyzed in the Bureau of Chemistry, United States Department of Agriculture. As the findings of the analyst and the report made indicated that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said J. B. Todd, and the party from whom the samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information, containing two counts, was filed in the District Court of the United States for the District of Kansas against the said J. B. Todd, charging the above shipment and delivery for shipment, respectively, and alleging that the product was adulterated in that the said cream contained a certain added deleterious ingredient, to wit, formaldehyde, which rendered said article injurious to health.

On April 12, 1909, the defendant, upon arraignment, pleaded guilty to the information, and the court imposed a fine of \$25 on each count, together with the costs of prosecution amounting to \$21.46.

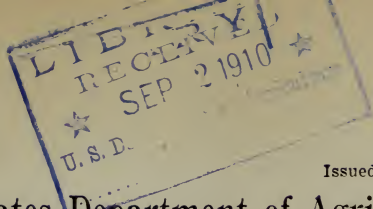
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 6, 1910.*

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Issued September 2, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 514, FOOD AND DRUGS ACT.

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### ADULTERATION OF MILK.

On or about August 17, 1908, Maggie Shumaker delivered for shipment and shipped from Lackmans, Kans., to Kansas City, Mo., a quantity of milk. Samples from this shipment were procured and analyzed in the Bureau of Chemistry, United States Department of Agriculture. As the findings of the analyst and the report made indicated that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said Maggie Shumaker, and the party from whom the samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that the said shipment and delivery for shipment were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

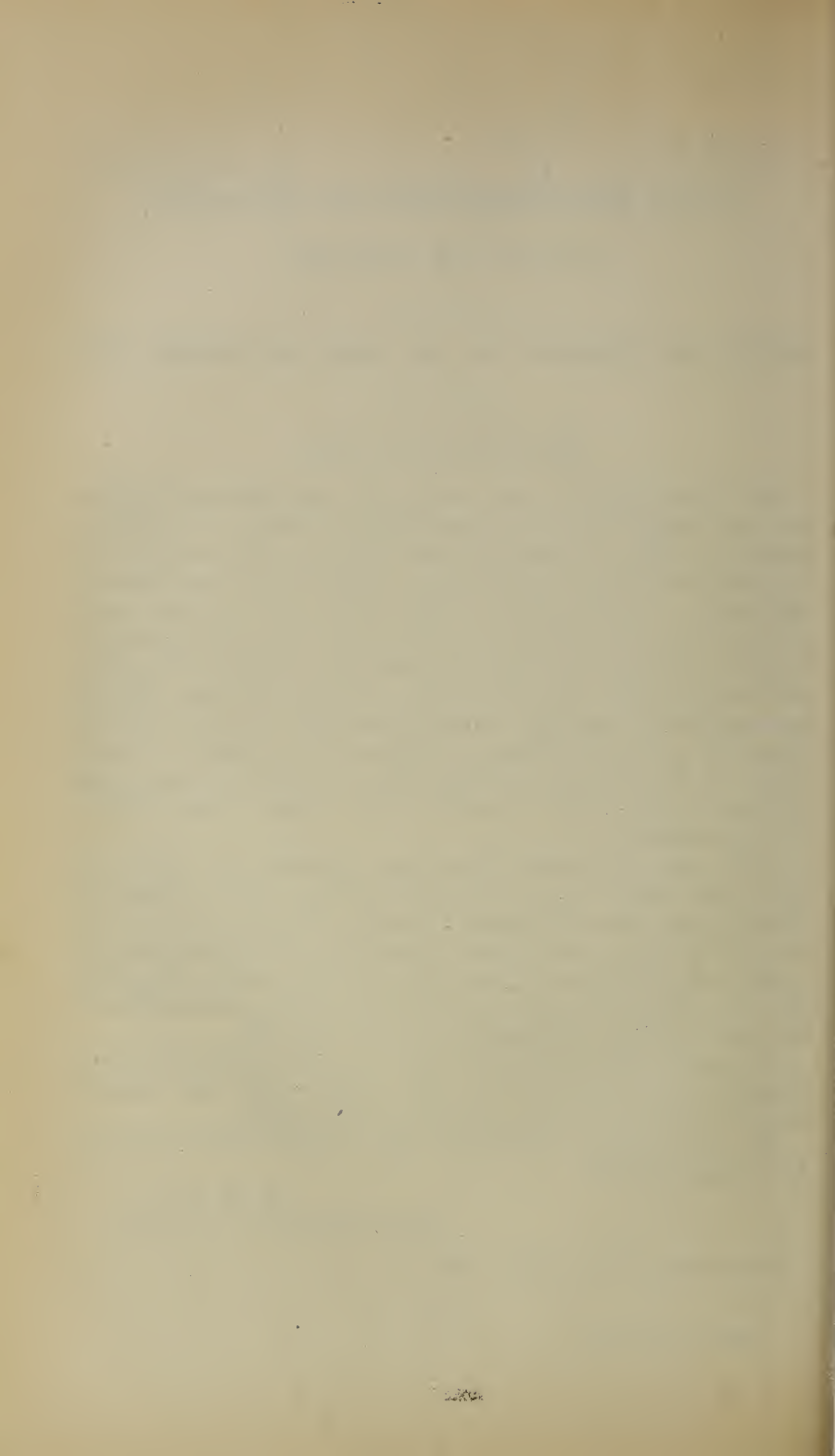
In due course a criminal information, containing two counts, was filed in the District Court of the United States for the District of Kansas against the said Maggie Shumaker, charging the above delivery for shipment and shipment, respectively, and alleging that the product was adulterated in that water had been mixed and packed with said milk so as to reduce and lower its quality and strength, and that water had been substituted in part for said milk.

On April 12, 1909, the defendant pleaded guilty to the information, whereupon the court imposed a fine of \$5 on each count thereof, together with the costs of prosecution taxed at \$18.45.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 6, 1910.*





Issued September 2, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 515, FOOD AND DRUGS ACT.

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### ADULTERATION OF MILK.

On or about August 17, 1908, Jacob Meyer delivered for shipment and shipped from Lackmans, Kans., to Kansas City, Mo., a quantity of milk. Samples from this shipment were procured and analyzed in the Bureau of Chemistry, United States Department of Agriculture. As the findings of the analyst and the report made indicated that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said Jacob Meyer, and the party from whom the samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that said shipment and delivery for shipment were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information, containing two counts, was filed in the District Court of the United States for the District of Kansas against the said Jacob Meyer, charging the above delivery for shipment and shipment, respectively, and alleging that the product was adulterated in that water had been mixed and packed with said milk so as to reduce and lower its quality and strength, and that water had been substituted in part for said milk.

On April 12, 1909, the said defendant pleaded guilty to both counts of the information, whereupon the court imposed a fine of \$5 on each count, together with the costs of prosecution taxed at \$25.15.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 6, 1910.*

O





F. & D. No. 1170.  
S. S. No. 9613-b.

Issued September 2, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 516, FOOD AND DRUGS ACT.

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### MISBRANDING OF BLACK PEPPER.

On or about April 23, 1909, the Wixon Spice Company, Chicago, Ill., shipped from the State of Illinois into the State of Idaho a consignment of black pepper. Samples from this shipment were procured and examined in the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and the report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Wixon Spice Company, and the party from whom the samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence on which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Northern District of Illinois, charging the above shipment, and alleging that the product was misbranded, in that it was contained in cans labeled "3 Ounces, Net Weight, Idaho Strong Black Pepper. Packed by the Idaho Wholesale Grocery Company, Pocatello. Serial No. 5116," which statement as to the weight of said article was incorrect, as the net weight of said cans was less than 3 ounces.

On May 13, 1910, the defendant entered a plea of *nolo contendere*, and on June 9, 1910, the court imposed a fine of \$100.

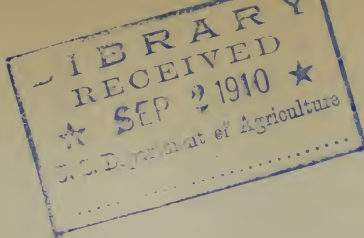
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 6, 1910.*

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F. & D. No. 263.  
I. S. No. 11116-a.

Issued September 2, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 517, FOOD AND DRUGS ACT.

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### ADULTERATION OF MILK.

On or about August 17, 1908, J. W. Earnshaw delivered for shipment and shipped from Lenexa, Kans., to Kansas City, Mo., a quantity of milk. Samples from this shipment were procured and analyzed in the Bureau of Chemistry, United States Department of Agriculture. As the findings of the analyst and the report made indicated that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said J. W. Earnshaw, and the party from whom the samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that said shipment and delivery for shipment were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

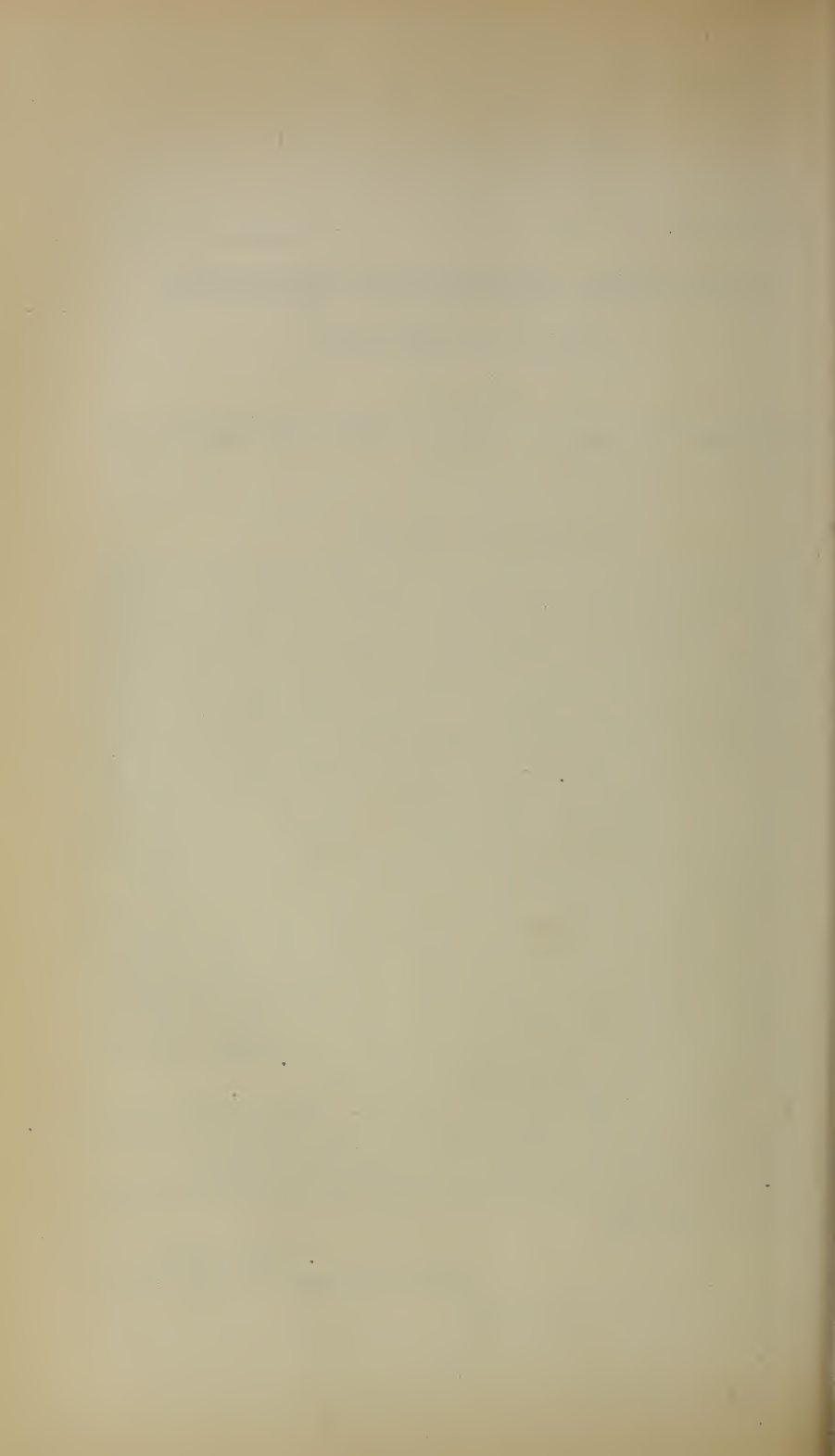
In due course a criminal information, containing two counts, was filed in the District Court of the United States for the District of Kansas against the said J. W. Earnshaw, charging the above delivery for shipment and shipment, respectively, and alleging that the product was adulterated in that water had been mixed and packed with said milk so as to reduce and lower its quality and strength, and that water had been substituted in part for said milk.

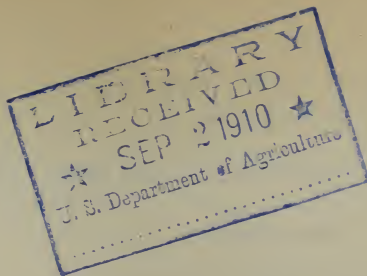
On August 12, 1909, the said defendant pleaded guilty to the information, whereupon the court imposed a fine of \$5 on each count thereof, together with the costs of prosecution taxed at \$23.25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 6, 1910.*





F. & D. No. 155.  
S. 64.

Issued September 2, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 518, FOOD AND DRUGS ACT.

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#### MISBRANDING OF CANNED TOMATOES.

(SHORT WEIGHT.)

On or about November 11, 1907, the Dixon Canning Company shipped from Dixon, Mo., to Parsons, Kans., a consignment of canned tomatoes. Samples from this shipment were procured and examined in the Bureau of Chemistry, United States Department of Agriculture. Examination of samples of this product showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and the report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Kansas.

In due course a libel was filed against the said 340 cases of canned tomatoes, charging the above shipment and alleging that the said 340 cases of tomatoes were misbranded, in that the cases containing the same were labeled and branded as follows: "2 Doz. 3-lb. Extra Tomatoes Packed by Dixon Canning Company, Dixon, Mo.," whereas the weight of said cans was less than 3 pounds, their true weight being from  $28\frac{1}{2}$  ounces to  $39\frac{1}{2}$  ounces. Said libel further prayed condemnation and forfeiture of said cans for the reasons therein set forth.

Thereupon J. J. Pierson appeared as claimant of said tomatoes and prayed that the goods be redelivered to him, in accordance with the provisions of section 10 of the act, upon the payment of costs of the proceedings and the giving of a bond conditioned that said goods

would not be sold contrary to law. Whereupon the court rendered the following decree:

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF KANSAS,  
THIRD DIVISION.

UNITED STATES	}
vs.	
340 CASES OF CANNED TOMATOES.	

DECREE.

On consideration of the application of J. J. Pierson I find that the person in whose possession was found, and who is the owner of the said 340 cases of canned tomatoes, is guilty of no wrong doing except that the said tomatoes were branded as containing three pounds when they did not contain said weight.

The said J. J. Pierson has made a proffer of a good and sufficient bond, and asks that the case be dismissed at his cost, as provided in section 10 of chapter 39-15 of the United States Statute at Large, vol. 34.

It is ordered that upon the filing of a good and sufficient bond in the sum of \$1,000 to the effect that said tomatoes shall not be sold within this district or elsewhere in contravention of the said act of Congress, which bond shall be approved by the clerk, and upon the payment of all the costs of this proceeding, then this case shall be and it is hereby dismissed.

Done at Fort Scott, Kansas, this 9 day of November, 1908.

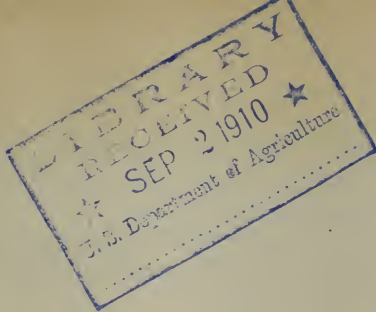
JNO. F. PHILIPS, *Judge.*

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 6, 1910.*

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F. & D. No. 1228.  
S. No. 436.

Issued September 2, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 519, FOOD AND DRUGS ACT.

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#### ADULTERATION AND MISBRANDING OF EVAPORATED APPLES.

On or about October 9, 1909, the Wallerstein Produce Company, Richmond, Va., shipped from the State of Virginia to the State of Ohio fourteen cases of evaporated apples, each case containing forty-eight separate cartons of the product, each of said cartons being labeled "Dime Brand Choice Evaporated Apples—Good Value—Dime Brand Apples. Original Fruit Flavor—Dime Brand. Packed by Wallerstein Produce Co., Richmond, Va."

Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of Ohio.

In due course a libel was filed against the said fourteen cases of evaporated apples in the District Court of the United States for said district, charging the shipment as aforesaid and alleging that the product was adulterated in that said article consisted in part of a filthy, decomposed vegetable substance, to wit, moldy and rotten portions of apples, worms, seeds, and general apple waste product, and alleging the product to be misbranded, in that the statements on the label above quoted regarding the ingredients and substances composing the product were false and misleading, said cases and cartons purporting to contain "choice evaporated apples," whereas in truth and in fact said article of food was not "choice," but was of inferior quality, contaminated and decomposed.

On April 22, 1910, the case came on for hearing and no appearance having been entered by any person claiming an interest in the goods

above described, the court being fully informed in the premises entered a pro confesso decree, sustaining the allegations of the libel above set forth and condemning the product.

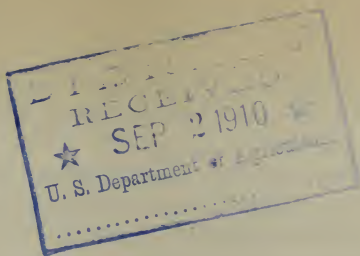
On May 25, 1910, the court issued its final decree ordering the marshal of the district to destroy the fourteen cases of evaporated apples in question, which was forthwith done.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 29, 1910.*





F. & D. No. 1408.  
I. S. No. 9256-b.

Issued September 2, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 520, FOOD AND DRUGS ACT.

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#### ADULTERATION AND MISBRANDING OF PEACH EXTRACT.

On or about January 13, 1910, E. R. Webster, doing business as E. R. Webster & Co., Cincinnati, Ohio, shipped from the State of Ohio to the State of Kentucky a box containing one dozen bottles of an alleged peach extract, said box being labeled: "One dozen. Two ounce. Our best extract of peach. Guaranteed strictly pure. Unexcelled for flavor and strength. Manufactured by E. R. Webster & Co., Cincinnati."

Samples of this product were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture. As it appeared from the findings of the analyst and report thereon that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said E. R. Webster & Co. and the dealer from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution. In due course a criminal information was filed in the District Court of the United States for the Southern District of Ohio against the said E. R. Webster & Co., charging the above shipment, and alleging that the product was adulterated in that another substance, to wit, an imitation peach extract, had been substituted wholly for said article of food, to wit, peach extract, and in that said article of food was not peach extract, but an imitation thereof, and alleging the product to be misbranded, in that the label above set forth was false and misleading because the product was not an extract of peach,

but an imitation of same, and was offered for sale and sold under the distinctive name of peach extract, when in fact it was only an imitation thereof.

On July 8, 1910, the defendant entered a plea of guilty to the charges contained in the above information and the court imposed a fine of \$50 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 29, 1910.*



Issued September 2, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 521, FOOD AND DRUGS ACT.

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#### ADULTERATION OF MILK.

On or about November 13, 1909, A. A. Bosworth, Eagleville, Conn., shipped from the State of Connecticut to the State of Massachusetts a consignment of milk.

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said A. A. Bosworth and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution. In due course a criminal information was filed in the District Court of the United States for the District of Connecticut against the said A. A. Bosworth, charging the above shipment, and alleging that the product so shipped was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

On June 30, 1910, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$40.

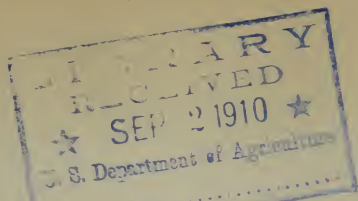
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 29, 1910.*

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Issued September 2, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 522, FOOD AND DRUGS ACT.

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### ADULTERATION OF MILK.

On or about November 13, 1909, W. G. Jennings, Putnam, Conn., shipped from the State of Connecticut to the State of Massachusetts a consignment of milk.

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said W. G. Jennings and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution. In due course a criminal information was filed in the District Court of the United States for the District of Connecticut against the said W. G. Jennings, charging the above shipment and alleging that the product thus shipped was adulterated, in that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

On June 30, 1910, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$40.

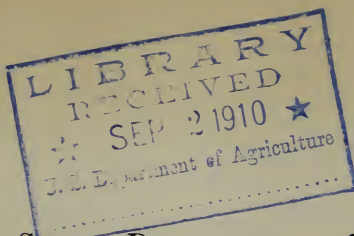
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 29, 1910.*

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F. & D. No. 1446.  
I. S. No. 13870-b.

Issued September 2, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 523, FOOD AND DRUGS ACT.

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### ADULTERATION OF MILK.

On or about November 13, 1909, Clark O. Terry, Willimantic, Conn., shipped from the State of Connecticut to the State of Massachusetts a consignment of milk.

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Clark O. Terry and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution. In due course a criminal information was filed in the District Court of the United States for the District of Connecticut against the said Clark O. Terry, charging the above shipment and alleging that the product so shipped was adulterated, in that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

On June 30, 1910, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$40.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 29, 1910.*

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F & D. No. 1449.  
I. S. No. 13276-b.

Issued September 2, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 524, FOOD AND DRUGS ACT.

### ADULTERATION OF MILK.

On or about November 13, 1909, O. S. Chaffee, Mansfield Center, Conn., shipped from the State of Connecticut to the State of Massachusetts a consignment of milk.

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said O. S. Chaffee and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution. In due course a criminal information was filed in the District Court of the United States for the District of Connecticut against the said O. S. Chaffee, charging the above shipment and alleging that the product so shipped was adulterated, in that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

On June 30, 1910, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$40.

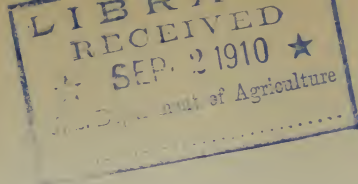
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 29, 1910.*







Issued September 2, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 525, FOOD AND DRUGS ACT.

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### ADULTERATION OF MILK.

On or about November 13, 1909, C. L. Warner, jr., Elliott, Conn., shipped from the State of Connecticut to the State of Massachusetts a consignment of milk.

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said C. L. Warner, jr., and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution. In due course a criminal information was filed in the District Court of the United States for the District of Connecticut against the said C. L. Warner, jr., charging the above shipment and alleging that the product was adulterated, in that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

On June 30, 1910, the defendant entered a plea of nolo contendere and the court imposed a fine of \$40.

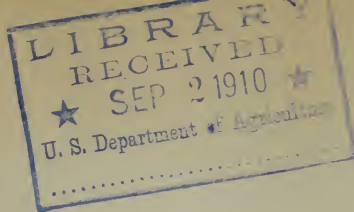
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 29, 1910.*

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F. & D. No. 1451.  
I. S. No. 13882-b.

Issued September 2, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 526, FOOD AND DRUGS ACT.

### ADULTERATION OF MILK.

On or about November 13, 1909, William Fitzgerald, Elliott, Conn., shipped from the State of Connecticut to the State of Massachusetts a consignment of milk.

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said William Fitzgerald and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution. In due course a criminal information was filed in the District Court of the United States for the District of Connecticut against the said William Fitzgerald, charging the above shipment and alleging that the product thus shipped was adulterated, in that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

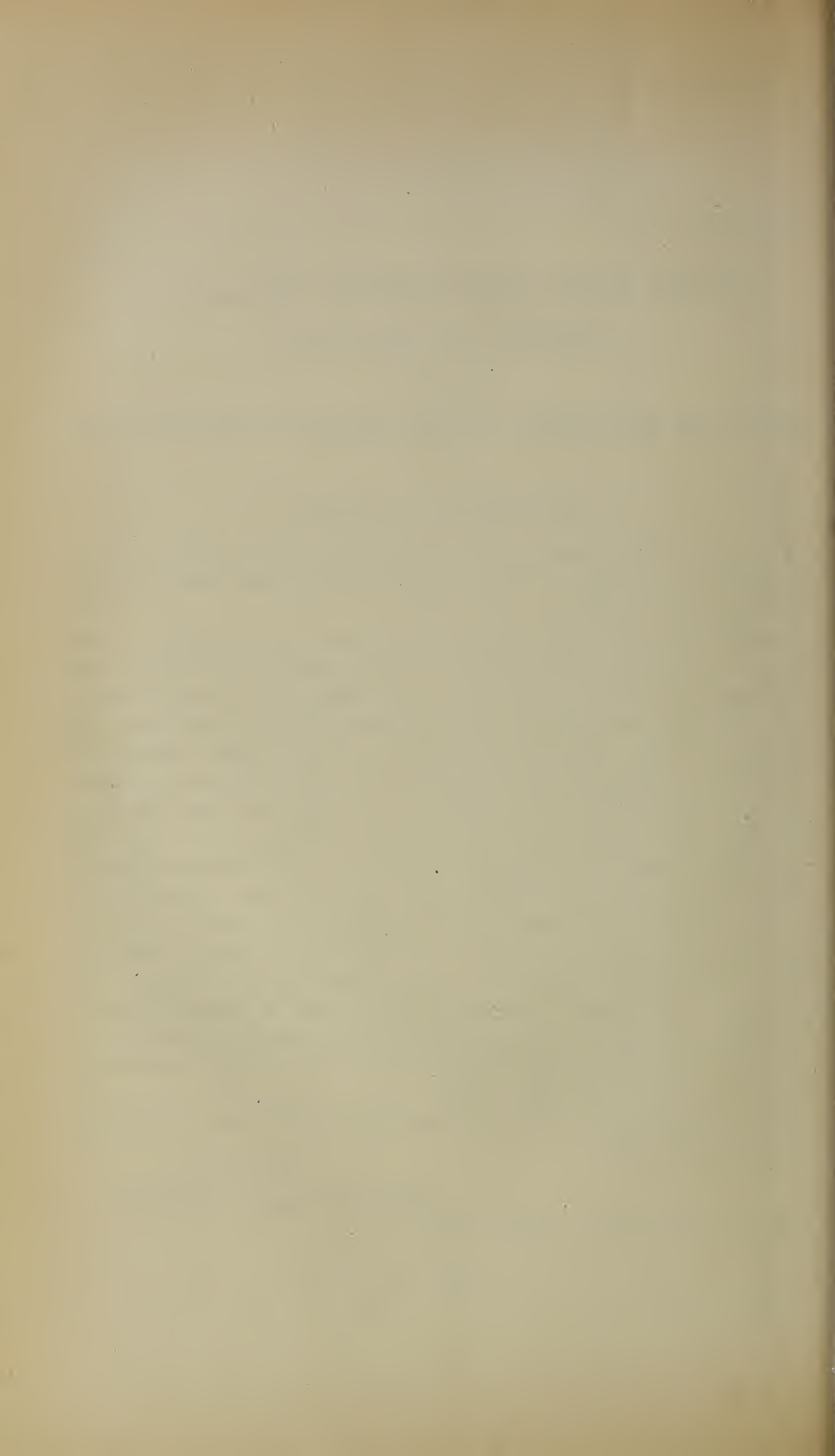
On June 30, 1910, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$40.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 29, 1910.*







Issued September 2, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 527, FOOD AND DRUGS ACT.

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### ADULTERATION OF MILK.

On or about November 13, 1909, T. J. Atwood, Mansfield Center, Conn., shipped from the State of Connecticut to the State of Massachusetts a consignment of milk.

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said T. J. Atwood and the party from whom samples were procured opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution. In due course a criminal information was filed in the District Court of the United States for the District of Connecticut against the said T. J. Atwood, charging the above shipment and alleging that the product as shipped was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

On June 30, 1910, the defendant entered a plea of *nolo contendere* and the court imposed a fine of \$40.

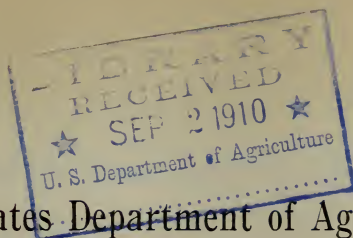
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 29, 1910.*

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Issued September 2, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 528, FOOD AND DRUGS ACT.

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### ADULTERATION OF MILK.

On or about November 13, 1909, Jonas Danielson, Pomfret, Conn., shipped from the State of Connecticut to the State of Massachusetts a consignment of milk.

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Jonas Danielson and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution. In due course a criminal information was filed in the District Court of the United States for the District of Connecticut against the said Jonas Danielson, charging the above shipment and alleging that the product shipped as aforesaid was adulterated, in that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

On June 30, 1910, the defendant entered a plea of nolo contendere and the court imposed a fine of \$40.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 29, 1910.*





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 529, FOOD AND DRUGS ACT.

### ADULTERATION OF CLOVES.

On or about May 24, 1910, John Clarke, New York City, delivered forty-eight bales of cloves to the Old Dominion Steamship Company for shipment from the State of New York to the State of Ohio.

Analysis of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of New York. In due course a libel was filed in the District Court of the United States for said district against the said forty-eight bales of cloves, charging the above shipment and alleging the product so shipped to be adulterated, in that a part of a valuable constituent thereof, to wit, oil of clove, had been abstracted therefrom, and in that said cloves were colored, coated, and stained in a manner whereby damage to and inferiority of the same were concealed, and praying seizure and condemnation of the product.

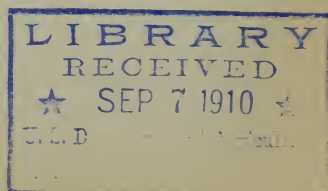
On June 14, 1910, a judgment by default was taken against the said forty-eight bales of cloves, and on June 18, 1910, the court being fully informed in the premises, rendered a final decree condemning and forfeiting said product to the United States and ordering the destruction thereof by the marshal of said district.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 29, 1910.*







F. & D. No. 315.  
I. S. No. 4983.

Issued September 2, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 530, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF COFFEE.

On or about January 25, 1908, the Louisiana Molasses Company, Limited, a corporation, New Orleans, La., shipped from the State of Louisiana to the State of Mississippi a consignment of a food product labeled "Gabrielle choice roasted high grade coffee. Imported and roasted by the New Orleans Molasses Co. Ltd., 400-420 St. Joseph St., New Orleans, La.," and also less conspicuously "composed of coffee and chicory."

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Louisiana Molasses Company, Limited, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution. In due course a criminal information was filed in the Circuit Court of the United States for the Eastern District of Louisiana against the said Louisiana Molasses Company, Limited, charging the above shipment, and alleging that the product shipped as aforesaid was adulterated in that there had been substituted for the genuine coffee another article, to wit, chicory, and in that there had been mixed and packed with the said coffee another substance, to wit, chicory, so as to reduce, lower, and injuriously affect the quality and strength of the former, and alleging that the product was misbranded, in that the labels above set forth, and particularly the principal label, being the one first above recited,

were false and misleading, and were such as to deceive and mislead the purchaser into believing that the contents of said packages were pure coffee, whereas in truth and in fact the contents were not pure coffee, but a mixture of coffee and chicory; in that the said labels, and particularly the one first above referred to, were meant and intended and calculated to convey, and did convey, the impression that the said article was pure coffee, which was false, since it was a mixture of coffee and chicory; and in that the product was an imitation of and offered for sale under the distinctive name of another article, to wit, pure coffee.

On June 30, 1910, the defendant entered a plea of guilty and the court imposed a fine of \$10 and costs.

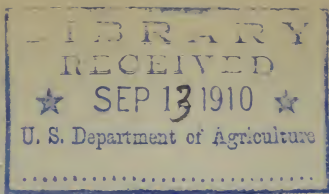
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 29, 1910.*





F. & D. No. 1505.  
S. No. 542.

Issued September 6, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 531, FOOD AND DRUGS ACT.

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### ADULTERATION OF CURRANTS AND RAISINS.

On or about May 17, 1910, there were offered for sale in the city of Washington, District of Columbia, one hundred and sixty packages of currants, each of which packages was labeled "Columbia Brand Cleaned Currants;" 45 packages of raisins, 36 of which were labeled "Owl Brand Seeded Muscat Raisins, Packed by the J. K. Armsby Co., Fresno, Cal.," the remaining nine packages being each labeled "Guardian Choice Seeded Raisins, Rosenberg Bros. & Co., San Francisco, Cal.," the owner of all said packages being Joseph Wells. On or about the same date there were also offered for sale in the city aforesaid 142 packages of currants, each of which packages was labeled "Parthenon Brand Cleaned Currants," the property of Don A. Sanford.

All the currants and raisins above referred to had been delivered by their owners to an auctioneer to be sold at public auction.

An examination of samples of these products made by the Bureau of Chemistry, United States Department of Agriculture, showed them to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906, and as it appeared from the findings of the analyst and report made that the products in question were liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Columbia.

In due course two libels were filed in the Supreme Court of said District, one against the raisins and currants above mentioned as belonging to Joseph Wells, the other against the raisins referred to as the property of Don A. Sanford, alleging that the products in question were in a filthy, decomposed, and putrid condition, and infested with worms and other animal matter so as to be absolutely unfit for human consumption, and praying the seizure, condemnation, and destruction of said products.

On May 27, 1910, said Joseph Wells entered his appearance and filed a plea and answer, in which he admitted the ownership of the 160 packages of currants and 45 packages of raisins first above mentioned, admitted the allegations of the libel above set forth, pleaded guilty to same, consented that judgment of condemnation against said goods be entered as prayed in said libel, and offered to pay the costs of the proceedings against the products belonging to him.

On June 10, 1910, Don A. Sanford entered his appearance and filed a plea and answer in which he admitted the ownership of the 142 packages of currants last above mentioned, said plea in other respects being identical with the hereinbefore mentioned plea and answer of Joseph Wells.

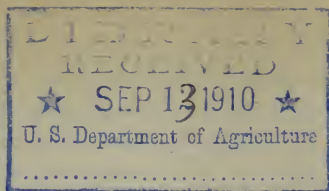
The cases came on for hearing, and the court being fully informed in the premises, rendered its decree sustaining the allegations of the libels and ordering condemnation of the products and their destruction by the marshal of said District.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 29, 1910.*

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F. & D. Nos. 230, 465.  
I. S. Nos. 1718-a, 1717-a.

Issued September 6, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 532, FOOD AND DRUGS ACT.

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#### ADULTERATION AND MISBRANDING OF LEMON EXTRACT, MISBRANDING OF EXTRACT OF VANILLA.

On or about July 20, 1907, the C. F. Sauer Company shipped from Richmond, Va., to Greensboro, N. C., a consignment of lemon extract and a consignment of vanilla extract. Samples of each product in these consignments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture. As the findings of the analyst and report made indicated that the lemon extract was adulterated and misbranded, and that the vanilla extract was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said C. F. Sauer Company and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that said shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base prosecutions. In due course two criminal informations were filed in the District Court of the United States for the Eastern District of Virginia, one charging the shipment of the vanilla extract and alleging that the product was misbranded, in that it was labeled "Gold Medal Pure Concentrated Compound Extract of Vanilla, Standard Extract Company, New York. (Guaranty Clause) Serial No. 1614", indicating that it was manufactured and produced in the city of New York, when in truth and in fact it was manufactured and produced in the city of Richmond, Va. The second information charged the shipment of the lemon extract aforesaid, and alleged in the first count that the product was adulterated in that it was labeled "Gold Medal Pure Concentrated Extract of Lemon, Colored, Not Full Strength, Standard Extract Company, New York. (Guaranty Clause) Serial No. 1614", when in fact a solution containing but little

oil of lemon had been mixed and packed with said article so as to reduce, lower, and injuriously affect its quality and strength, and in the second count of said information alleging that said product was misbranded in that it was falsely branded "Standard Extract Company, New York," when in truth and in fact it was manufactured and produced in the city of Richmond, Va.

On April 8, 1909, the defendant, upon being arraigned on both informations, pleaded guilty to the charge of misbranding of both products and the court imposed a fine of \$25 in each case. The adulteration charge contained in the first count of the second information was nolle prossed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 29, 1910.*

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Issued September 6, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 533, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF STOCK FEED.

On or about September 15, 1909, the International Sugar Feed Company, Minneapolis, Minn., shipped from the State of Minnesota into the State of Tennessee a consignment of 200 sacks, each of which was labeled, "100 lbs. International Sugared Feed for Horses, Manufactured by International Sugar Feed Co., Minneapolis, Minn., U. S. A. Protein 12.5%, fat 3.5%, carbohydrates" and 200 sacks, each of which was labeled "International Sugared Feed for Milk Cows. Manufactured by Int. Sug. Feed Co., Minneapolis, Minn. Protein 16.5%, fat 3.5%, carbohydrates 52.5%, fibre 12%." Analysis of samples of these products made in the Bureau of Chemistry, United States Department of Agriculture, showed them to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906.

As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Middle District of Tennessee. In due course a libel was filed in the District Court of the United States for said district against 25 sacks of the horse feed and 133 sacks of the dairy feed, the balance of the shipment above referred to having been disposed of by the consignee before the marshal of the district was able to execute the monition, charging the above shipment and alleging the adulteration of the aforesaid horse feed in that it contained 15 per cent of oat hulls in excess of the amount that would be normally present from the proportion of oats constituting part of the mixture, and that said oat hulls had been mixed and packed with the product in place of oats so as to injuriously affect its quality; that the aforesaid dairy feed was adulterated, in that it contained weed seeds and in that there were present 5 per cent of oat hulls in excess of what

should normally have been present from the proportion of oats contained in the product, said oat hulls having been substituted for oats and mixed with the product so as to injuriously affect its quality, and further charging the misbranding of said products under section 8 of the act, because no mention is made in the labels thereon of the presence of the excessive amount of oat hulls, as hereinbefore set forth.

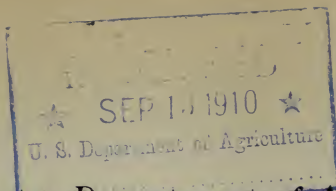
On May 7, 1910, R. H. Worke & Co., Nashville, Tenn., entered their appearance and filed an answer claiming ownership of the products involved, and admitting the allegations of the libel. On May 9, 1910, the case came on for hearing, and the court being fully informed in the premises issued its decree, sustaining the allegations of the libel and ordering the delivery of the products seized to the above-mentioned claimant upon payment of all costs incurred in these proceedings and upon the execution of a satisfactory bond conditioned that the products should be properly labeled and not be shipped or sold in violation of law. Said costs having been paid and bond furnished in accordance with the terms of the decree, the products in question were forthwith delivered to the claimants.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 29, 1910.*

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Issued September 6, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 534, FOOD AND DRUGS ACT.

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### ADULTERATION OF LEMON EXTRACT.

On or about August 29, 1907, the Christian Brothers Company, a corporation, Richmond, Va., shipped from the State of Virginia to the State of North Carolina a consignment of a food product labeled: "Mammy's Favorite Extracts, Lemon, Made by Christian Bros. Co., Richmond, Va.," "Double Strength." Samples of this shipment were procured and analyzed in the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said Christian Brothers Company and the dealer from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the above shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed against said Christian Brothers Company in the District Court of the United States for the Eastern District of Virginia, charging the above shipment and alleging that the product shipped as aforesaid was adulterated, in that a solution containing but little lemon oil had been mixed and packed with said article so as to reduce, lower, and injuriously affect its quality and strength, and that the article had been colored in a manner whereby damage or inferiority was concealed.

On April 8, 1909, the defendant entered a plea of guilty, and the court suspended sentence.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 29, 1910.*

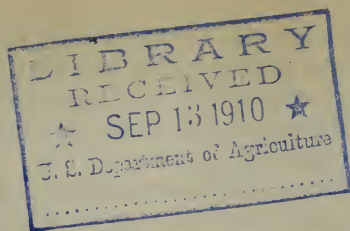


THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

RESEARCH REPORT

ON THE THEORY OF THE  
ELECTRIC FIELD OF A  
MOVING CHARGE  
BY  
J. D. COHEN  
AND  
H. F. JOYNT  
DEPARTMENT OF PHYSICS  
UNIVERSITY OF CHICAGO  
CHICAGO, ILL.  
1934



F. & D. No. 1240.  
I. S. No. 3863-b.

Issued September 6, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 535, FOOD AND DRUGS ACT.

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#### ADULTERATION AND MISBRANDING OF OLIVE OIL.

On or about August 19, 1909, Donato Maddaloni, of New York City, shipped from the State of New York to the State of New Jersey a consignment of a food product labeled: "Olio d'Oliva, Sopraffino di Sorrento. Marca Masaniello, Pure Olive Oil. This olive oil is imported and canned by Donato Maddaloni, N. Y., U. S. A." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said Donato Maddaloni and the dealer from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment in question was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course the United States attorney for the Southern District of New York filed a criminal information in the Circuit Court of said district against the said Donato Maddaloni, charging the above shipment and alleging the product to be adulterated, in that there had been substituted in part for olive oil cotton-seed oil to the extent of approximately 50 per cent of the combined product, and further in that said product was artificially colored in such a manner as to conceal its inferiority, and charging the product to be misbranded, in that the label above set forth was false and misleading and tended to deceive the purchaser into the belief that the product was pure olive oil, whereas in truth and in

fact it was not olive oil, but olive oil mixed with a large proportion of cotton-seed oil, and further in that said label indicated the product to be of foreign manufacture, to wit, a product of the Kingdom of Italy, when in truth and in fact it was in large part manufactured within the United States of America.

On May 23, 1910, the defendant entered a plea of guilty to the above information, and the court imposed a fine of \$25.

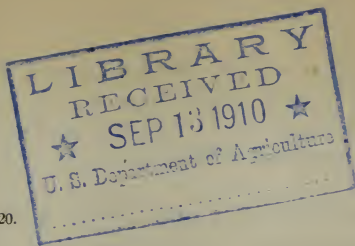
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 29, 1910.*

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F. & D. No. 520.  
I. S. No. 3369.

Issued September 6, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 536, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF EXTRACT OF LEMON.

On or about May 1, 1907, Closset & Devers, a corporation, Portland, Oreg., shipped from the State of Oregon into the State of Washington a consignment of a food product labeled "Devers' Golden West Triple Extract of Lemon." Samples from the above shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Closset & Devers and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the above shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed against the said Closset & Devers in the District Court of the United States for the District of Oregon, charging the above shipment and alleging that the product shipped as aforesaid was adulterated in this, that a valuable constituent of lemon extract as a food, to wit, lemon oil, had been abstracted therefrom, and that the said Closset & Devers, prior to the shipment of the lemon extract hereinbefore mentioned, and the introduction thereof into the State of Washington, as aforesaid, mixed therewith an unknown article which artificially colored the same, thereby concealing the inferiority thereof, and alleging that the product in question was misbranded in this, that the same contained no lemon oil but was a terpeneless extract of lemon, and that the case in which said bottles were contained and the bottles containing said lemon extract were labeled as above set forth, the

statement on said label being false and misleading and calculated and intended to represent to intending purchasers of the same that lemon oil was a valuable ingredient and constituent thereof, when in truth and in fact said pretended lemon extract contained no lemon oil.

On May 5, 1909, defendant entered a plea of not guilty to the above information, but subsequently, on June 18, 1909, withdrew said plea of not guilty and entered its amended plea of guilty. Whereupon the court imposed a fine of \$25 and costs of prosecution.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 29, 1910.*





Issued September 6, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 537, FOOD AND DRUGS ACT.

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### ADULTERATION OF FROZEN EGG PRODUCT.

On or about May 9, 1910, R. Smithson, Chicago, Ill., shipped from the State of Illinois to the State of New York 200 cans of frozen egg product, in two consignments of 100 cans each, each of the cans containing 40 pounds of the product, and bearing the label: "40 pounds, put up by R. S. Chicago."

Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipments were liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of New York.

In due course libels were filed in the District Court of the United States for said district against the said 200 cans of frozen egg product, charging the above shipments and alleging the product to be adulterated, in that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

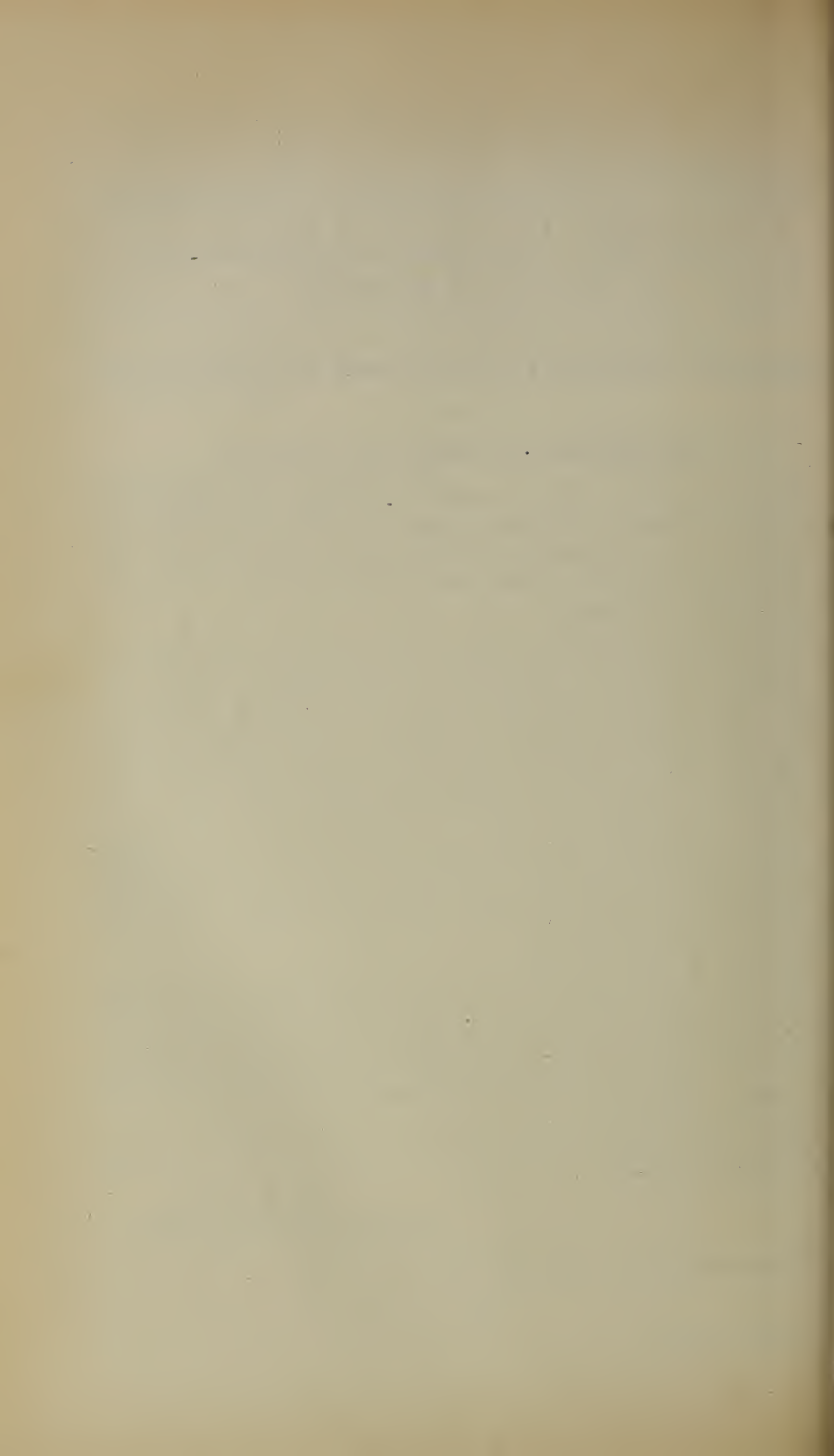
On June 29, 1910, the case came on for hearing, and no persons having interposed a claim to the product involved, the court, being fully informed in the premises, rendered a decree, finding the product to be adulterated as charged in the libels above set forth, confiscating the same to the United States, and ordering its destruction by the marshal of said district.

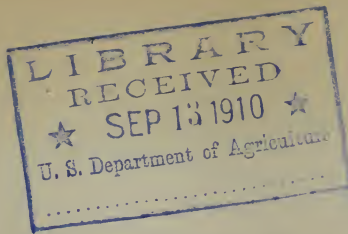
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 29, 1910.*

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F. & D. No. 77-c.

Issued September 6, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 538, FOOD AND DRUGS ACT.

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### ADULTERATION OF MILK.

On or about May 26, 1910, George A. Willson, Lay Hill, Md., sold and delivered at the Union Station, Washington, D. C., a quantity of milk. Dr. William C. Woodward, health officer of the District of Columbia, acting under authority of the Secretary of Agriculture, caused a sample from the above delivery to be procured and analyzed. As the findings of the analyst and report thereon indicated that the milk was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said George A. Willson was afforded an opportunity for hearing, and as it appeared after hearing held that the said sale was in violation of the act, the said health officer reported the facts to the United States attorney for the District of Columbia.

In due course a criminal information against the said George A. Willson was filed in the Police Court of the District of Columbia, charging that the milk was adulterated, in that a valuable constituent thereof, to wit, butter fat, had been left out and abstracted, wholly or in part.

On June 17, 1910, the defendant entered a plea of guilty to the above information, and the court imposed a fine of \$5.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 29, 1910.*

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THE HISTORY OF THE

REIGN OF

CHARLES THE FIRST

BY

JOHN BURNET

THE

REIGN OF

CHARLES THE FIRST

BY

JOHN BURNET

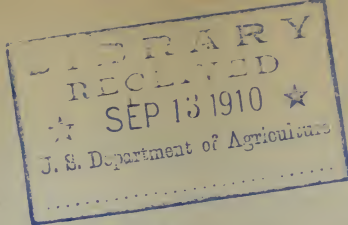
THE

REIGN OF

CHARLES THE FIRST

BY

JOHN BURNET



F. & D. No. 1034.  
I. S. No. 3201-b.

Issued September 6, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 539, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF TURPENTINE.

On or about June 11, 1909, the Gulf Manufacturing Company, Limited, a corporation, New Orleans, La., shipped from the State of Louisiana to the State of Texas a consignment of alleged spirits of turpentine, the packages containing which each bore the following label: "Crescent brand spirits of turpentine. Guaranteed by Gulf Manufacturing Company, Ltd., under the Food and Drugs Act of June 30, 1906, Gulf Manufacturing Company, Ltd., New Orleans, La."

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Gulf Manufacturing Company, Limited, and the party from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Eastern District of Louisiana charging the above shipment, and alleging that the product so shipped was adulterated, in that mineral oil had been added to the so-called turpentine, and that the product differed from the standard of strength, quality, and purity of oil of turpentine as determined by the test laid down in the United States Pharmacopœia or National Formulary official on the date of said shipment, the words "Spirits of Turpentine" occurring in the label above set forth being synonymous with and used indiscriminately in this country to designate

the same drug as the name oil of turpentine just mentioned; and in that the strength and purity of said product fell below the professed standard and quality indicated by the label aforesaid; and further alleging that the product was misbranded, in that the label above set forth was false and misleading, and such as to deceive the purchaser into believing that the contents of said packages were pure spirits of turpentine, whereas in truth and in fact said contents were not pure spirits of turpentine but a mixture of spirits of turpentine with mineral oil; and in that said label was meant and intended and calculated to convey, and did convey, the impression that the said drug was pure spirits of turpentine, which was false, since the said drug was a mixture of spirits of turpentine and mineral oil; and in that the product was an imitation and offered for sale under the distinctive name of another article, to wit, spirits of turpentine, which it was then and there represented to be by the label, though in truth and in fact it was not spirits of turpentine for the reason that mineral oil had been mixed therewith.

On June 29, 1910, the defendant entered a plea of guilty to the above information, and the court imposed a fine of \$10 and costs.

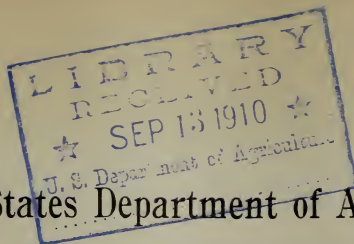
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 29, 1910.*





Issued September 6, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 540, FOOD AND DRUGS ACT.

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#### MISBRANDING OF CORN CHOP.

On or about May 4, 1909, the McEwen Grain Company shipped from the State of Missouri into the State of Louisiana a quantity of "Corn Chop." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said McEwen Grain Company and the party from whom samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the above shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed against the said McEwen Grain Company in the District Court of the United States for the Western District of Missouri, charging the above shipment, and alleging that the product was misbranded, in that it was labeled "McEwen Grain Company, Kansas City, Mo., Corn Chop. Guar. Anal., Fat 3.40, Protein 12.90 per cent., Carbohydrates, 69.20 per cent., Crude Fiber 3.05 per cent. (State Guaranty Tag)", when in truth and in fact said cattle food contained only 8.25 per cent protein.

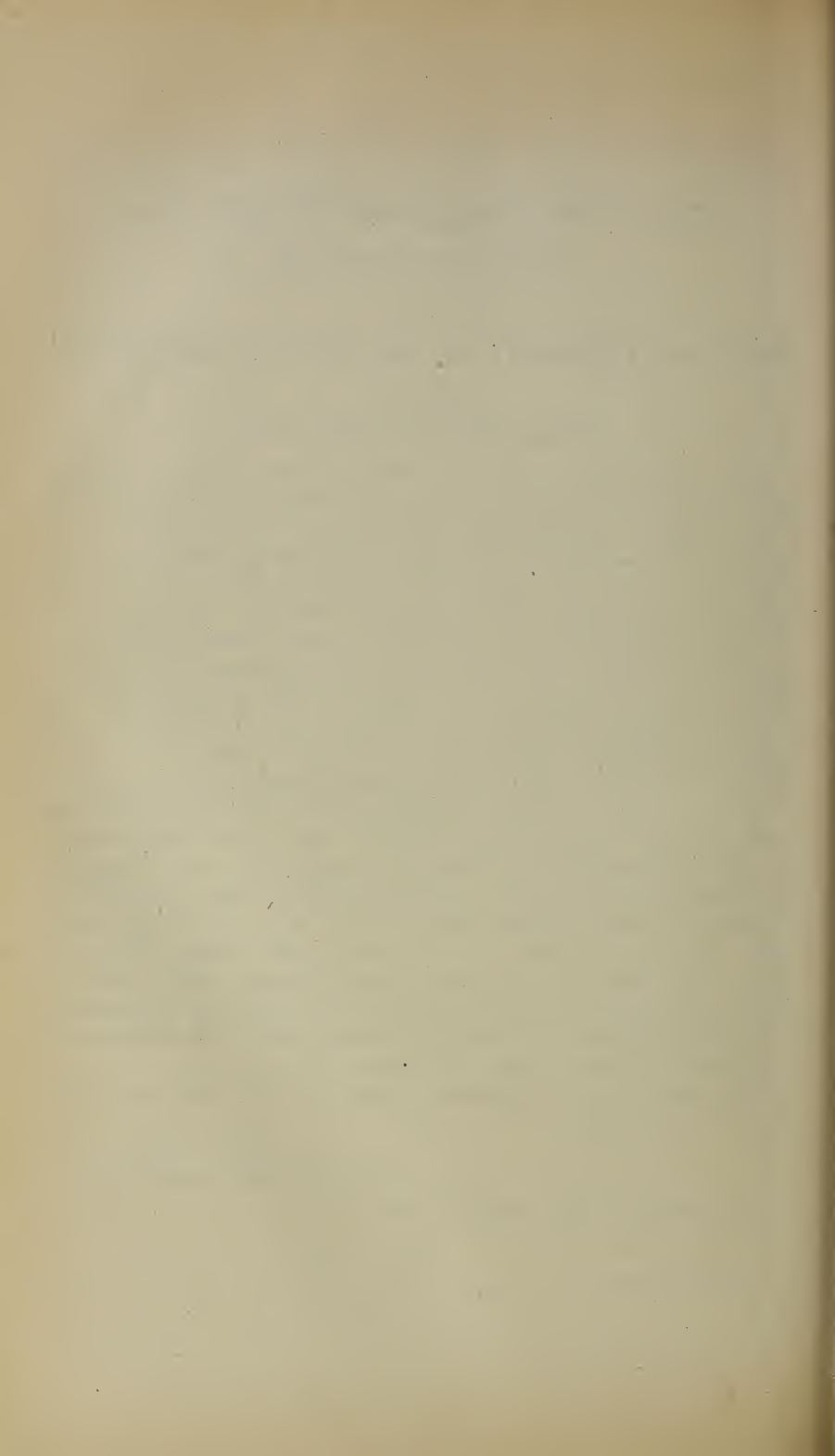
On March 30, 1910, the defendant pleaded guilty to the information and the court imposed a fine of \$25 and costs.

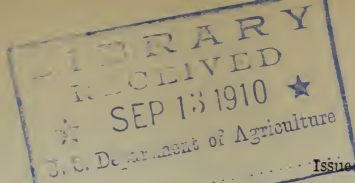
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 29, 1910.*







# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 541, FOOD AND DRUGS ACT.

### MISBRANDING OF MOLASSES.

(SHORT MEASURE.)

On or about March 17, 1908, the National Manufacturing Company shipped from St. Joseph, Mo., to Pueblo, Colo., a consignment of molasses. A sample from this shipment was procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture. As the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said National Manufacturing Company and the party from whom the sample was procured were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed against the said National Manufacturing Company in the District Court of the United States for the Western District of Missouri, charging the above shipment, and alleging that the product was misbranded, in that it was contained in cans labeled " $\frac{1}{4}$  Gallon, Woodland Plantation Molasses, Canned only by the National Manufacturing Company, St. Joseph, Mo.," which statement on the label as to the measure of the product was incorrect, as the product contained in said cans measured less than one-fourth of a gallon.

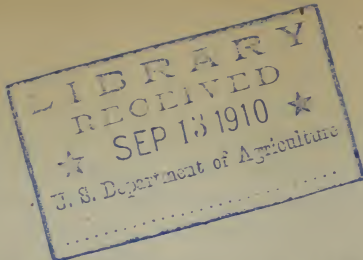
On October 10, 1909, defendant pleaded guilty to the above information, and the court imposed a fine of \$10 and costs taxed at \$16.78.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 29, 1910.*





# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 542, FOOD AND DRUGS ACT.

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#### MISBRANDING OF CANNED TOMATOES AND CANNED PEAS.

(SHORT WEIGHT.)

On or about June 29, 1908, the Newburg Canning Company, Newburg, Ind., shipped from said city and State to Wichita, Kans., a consignment consisting of 285 cases of canned tomatoes.

On or about October 14, 1907, the Kewaunee Canning Company shipped from Kewaunee, Wis., to Wichita, Kans., 395 cases of canned peas.

Examination of samples of these products showed them to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and the report made that said products were liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Kansas.

In due course a libel was filed against the 285 cases of canned tomatoes and 395 cases of canned peas, charging said shipments and alleging that the products contained therein were misbranded, in that 285 cases of said tomatoes, each case containing 2 dozen cans, were labeled "2 doz. 3 lbs. Newburg Ideal Tomatoes. Packed by Dr. W. Wilson, successor to the Newburg Canning Co., Newburg, Indiana," which statement of weight was false because the said cases, instead of containing 2 dozen 3-pound cans, contained 2 dozen cans each of much less weight than 3 pounds, to wit, from 33 to 38 ounces each, including the weight of the can; that 145 cases of canned peas contained in said shipment were misbranded in that 80 cases were labeled, "2 doz. 2 lb. Pride of Kewaunee, Early June Peas, preserved with pure artesian water, Packed by Kewaunee Canning Co., Kewaunee, Wis.;" 41 cases were labeled "2 doz. 2 lb. Kewaunee Shore Selected, Sifted early June Peas. Preserved with pure artesian water. Packed by Kewaunee Canning Co., Kewaunee, Wis.;" 14

cases were labeled "2 doz. 2 lb. Kewaunee Shore Sweet Wrinkled Peas. Preserved with pure artesian water, packed by Kewaunee Canning Co., Kewaunee, Wis.;" and 10 cases were labeled "2 doz. 2 lb. Kewaunee Shore Selected Petit Pois peas, preserved with pure artesian water, packed by Kewaunee Canning Co., Kewaunee, Wis.," which statement of the weight of each and all of the aforesaid cans contained in said cases was incorrect, as said cases, and each of them, contained cans of much less weight than stated on said labels.

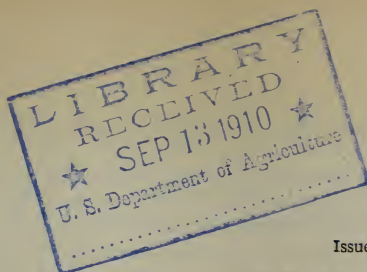
The libel also prayed seizure and condemnation of the aforesaid products for the reasons therein set forth.

On September 15, 1908, the Wichita Wholesale Grocery Company appeared as claimants, and, without denying the allegations of the libel, moved to discharge the property libeled. Whereupon the court ordered that proceedings be dismissed and the goods discharged and returned to the said claimant upon the execution of a bond by the said company, in the sum of one thousand dollars, conditioned that said articles should not be sold or otherwise disposed of contrary to the provisions of the act of Congress of June 30, 1906, or the laws of any State, Territory, or insular possession, and upon the payment on the part of said claimant of the costs of the action.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 29, 1910.*



Issued September 6, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 543, FOOD AND DRUGS ACT.

(SUPPLEMENT TO NOTICE OF JUDGMENT NO. 249.)

### ADULTERATION OF CONFECTIONERY—SILVER DRAGEES.

On January 13, 1910, the French Silver Dragee Company was tried, convicted, and fined \$100 in the Circuit Court of the United States, Southern District of New York, upon an information in two counts, charging shipments interstate of a confectionery adulterated within the meaning of the Food and Drugs Act, by reason of the presence therein of a mineral matter, to wit, metallic silver, as set forth in Notice of Judgment No. 249.

Thereafter, at the instance of the defendant, the above judgment was reviewed on writ of error by the United States Circuit Court of Appeals for the Second Circuit; whereupon said court, after a full hearing and consideration of the briefs and arguments of counsel, rendered the following opinion, reversing the judgment of the trial court:

UNITED STATES CIRCUIT COURT OF APPEALS, SECOND CIRCUIT.

Before LACOMBE, WARD, and NOYES, *Circuit Judges*.

FRENCH SILVER DRAGEE COMPANY, *Plaintiff in Error*,  
vs.  
THE UNITED STATES, *Defendant in Error*.

Writ of error to the Circuit Court, Southern District of New York, to review a judgment convicting the plaintiff in error (hereinafter called the defendant) of a violation of the Act of June 30, 1906, known as the Pure-Food Act.

The indictment alleged the interstate shipment of a quantity of confectionery claimed to be adulterated in that it contained "a certain mineral substance, to wit, metallic silver."

The confectionery in question is sold under the name of "Silver Dragee" and is a small article made of sugar and thinly coated with pure silver. It is used principally by confectioners for decorating boxes of candy.

The object of the silver coating is to be conspicuous and the silver is not employed for any purpose of deception. So, for the purposes of this case, the silver coating must

be considered as being in no way deleterious or detrimental to health. The trial judge ruled as follows:

"I assume that it has no effect on the result of this case if it were overwhelmingly proved that the administration of pure silver into the human system in quantities such as are attached to these dragees was perfectly inoperative, and to that statement of what I conceive to be the effect of its action you can take an exception."

Section 7 of the Act under which the indictment was framed—the section here in question—is printed in full in the margin and the especially relevant portions thereof follow:

"That for the purposes of this Act an article shall be deemed to be adulterated: \* \* \*

"In the case of confectionery:

"If it contains terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound or narcotic drug. \* \* \* "

The rulings of the trial court were based upon the interpretation of the statute that all it was necessary for the government to establish—interstate traffic being admitted—was that the confectionery in question contained silver, it being a mineral substance.

NOYES, Circuit Judge (after making the foregoing statement):

In interpreting the provisions of the Act now in question—the Pure Food Act—it is of importance to ascertain at the outset the objects which Congress sought to accomplish by its enactment and the evils intended to be remedied by it. If we go outside the Act itself and consider the circumstances surrounding its adoption, we find a Congressional committee report urging that the objects of the bill were:

(1) To protect the purchaser of food products from being deceived and cheated by having inferior and different articles passed off upon him in place of those which he desired to obtain;

(2) To protect such purchaser from injury by prohibiting the addition to foods of foreign substances poisonous or deleterious to health.

Or, briefly stated, "that which is forbidden is the sale of goods under false pretenses, or the sale of poisonous articles for food."

Turning now to the Act itself: An examination of the title indicates its purposes. It is entitled "An Act for preventing the manufacture, sale or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines and liquors." And, examining the particular section now in question, we find the purpose all through it to protect the public from deceit and injury. Drugs are declared to be adulterated if their strength or purity fall below certain standards. The intent to prevent both deceit and injury are here apparent. So food is deemed to be adulterated:

(1) If its quality or strength is reduced by the mixture of other substances;

(2) If one substance has been substituted for another;

(3) If a valuable ingredient has been abstracted;

(4) If it is mixed or colored so that damage or inferiority is concealed;

(5) If poisonous ingredients or ingredients making the article injurious to health are added;

(6) If the article consists of decomposed or putrid animal or vegetable substances.

The obvious purpose of provisions (1), (2), (3) and (4) is to protect the public from deceit and false pretenses; of provisions (5) and (6), from injury to health.

Other sections of the Act also indicate the same object. The terms "false," "misleading," "deceive," "poisonous," "deleterious" appear in many places. Indeed, a careful examination of the whole Act clearly shows that its object is, as already indicated:

(1) To prevent deceit and false pretenses in food and drugs;

(2) To safeguard the public health.

Bearing these objects in mind, we must now examine the sub-section of the Act especially relating to confectionery. If we find upon such examination a possible construction of the provision which would not afford protection to the public from deceit or injury and would merely stop traffic in an article neither injurious nor capable of deceiving, we should seek to avoid it. General language should not be so construed as to ruin a legitimate business and yet remedy none of the evils the statute was designed to remove. The language of the Supreme Court of the United States in *Holy Trinity Church v. United States*, 143 U. S. 457, 459 is most pertinent:

"It is a familiar rule, that a thing may be within the letter of the statute and yet not within the statute, because not within its spirit, nor within the intention of its makers. This has been often asserted, and the reports are full of cases illustrating its application. This is not the substitution of the will of the judge for that of the legislator, for frequently words of general meaning are used in a statute, words broad enough to include an act in question, and yet a consideration of the whole legislation, or of the circumstances surrounding its enactment, or of the absurd results which follow from giving such broad meaning to the words, makes it unreasonable to believe that the legislator intended to include the particular act."

The interpretation given to the statute by the trial court was that the words "or other mineral substance" following the phrase "in the case of confectionery: If it contain terra alba, barytes, talc, chrome yellow," broadly included every mineral substance including silver. The defendant, on the other hand, contends that the different clauses of the sub-section in question should be construed together and that so construed they embrace only those substances which are deceptive or are detrimental to health.

Interpreting the provision as embracing in the phrase "or other mineral substances" all mineral substances whatsoever, it is apparent that the use of the mineral substances salt, sulphur, and baking soda, in the manufacture of confectionery—and it appears that they are so used—would render the product adulterated within the meaning of the statute and its sale unlawful. Similarly, the use of silver to coat these dragees would violate the Act. But the product in which the salt, sulphur, baking soda or silver was used would not be unhealthful nor would there be any element of deceit present. The provision so construed would arbitrarily prohibit the use of all mineral substances in confectionery; would accomplish thereby none of the purposes of the Act, and would apply a different standard in the case of confectionery than in the case of food or drugs. Unless the language of the statute imperatively requires such construction it should not be adopted by the courts.

The construction of the provision contended for by the defendant is in accordance with the *ejusdem generis* doctrine. The rule that when general words follow the enumeration of particular things, such words will be held to include only such things as are of the same kind as those specifically enumerated is, of course, well settled. It is unnecessary to refer to more than one case to illustrate its application. Thus in *Cundling v. City of Chicago*, 176 Ill., 340, the court said:

"The articles, meats, poultry, fish, butter and lard which are expressly enumerated in the above paragraph, and the power expressly given therein to regulate the sale thereof, are articles of food for man, and include by the express enumeration of articles only provisions to be used by man. The term 'other provisions' by a familiar canon of construction, can extend only to articles of the same character as those especially enumerated. When general words follow an enumeration of particular things, such words must be held to include only 'such things or objects as are of the same kind as those specially enumerated.'"

We think the *ejusdem generis* rule especially applicable in this case for the reason—as already pointed out—that any broad construction would arbitrarily interfere with legitimate business and in no way promote the accomplishment of the objects of the

statute. Indeed the government in its brief in this court seems not to seriously controvert the proposition that the *ejusdem generis* rule should be applied. It states at the outset:

"The only question is whether metallic silver is included in the class 'other mineral substances.' Is metallic silver *ejusdem generis* with the mineral substances which precede it."

Now it appears that terra alba, barytes and talc are used to mix with confectionery and cheapen it. There is nothing in the record to show that they are injurious to health. They are well known adulterants—using that term in its ordinary sense. They increase bulk and weight at the expense of quality. Confectionery containing them is really sold under false pretenses. Chrome yellow is a cheap coloring matter and is poisonous. Silver, as used in these dragees and as considered in connection with this statute, is not the same kind of mineral substances as terra alba, barytes or talc. It is used to attract attention, not to deceive. Of course like those minerals it may be insoluble and inert, but the comparisons to be made must have in view the objects of the statute. Thus similarity within the rule would not be established by showing that the substances were all of the same color. So the silver upon these dragees has no similarity to chrome yellow. Unlike that mineral substance it is not poisonous.

In our opinion the clauses "or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health," following the enumerated substances, should be taken and interpreted together and mean:

- (1) That the use in confectionery of terra alba, barytes, talc or any other mineral substance, whether injurious to health or not, for purposes of deception makes it unlawfully adulterated;
- (2) That the use in confectionery of chrome yellow or other poisonous mineral substance or poisonous color or flavor, makes it unlawfully adulterated;
- (3) That the use in confectionery of any ingredient whatsoever which is deleterious or detrimental to health, makes it unlawfully adulterated.

It is true that under this construction the third class of cases would include the second. "Any ingredient detrimental to health" undoubtedly includes all poisonous substances. But the clauses do not conflict and redundancy is not unusual in statutory provisions.

Stated in another way, we think that the history of the Act, the objects to be accomplished by it and the language of all its provisions require that it should be so interpreted that in the case of confectionery, as in the cases of food and drugs, the government should establish, with respect to products not specifically named, that they either deceive the public or are detrimental to health. And as no proof was offered in this case tending to show that the confectionery in question was either deceptive or injurious, the defendant was improperly convicted.

The judgment of the Circuit Court is reversed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
Acting Secretary of Agriculture.

WASHINGTON, D. C., August 1, 1910.



Issued September 6, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 544, FOOD AND DRUGS ACT.

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### ADULTERATION OF DESICCATED EGGS.

On or about the 15th day of January, 1910, the National Bakers' Egg Company, Sioux City, Iowa, shipped from the State of New York into the State of Pennsylvania one barrel containing about 180 pounds of desiccated egg product. Examination of samples of this product by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania.

In due course a libel was filed against the said barrel of desiccated egg product, charging adulteration of the product within the meaning of the act, because it consisted in whole or in part of a filthy, decomposed, and putrid animal substance, indicated by the presence of an excessive number of bacterial organisms, including the streptococci, and praying seizure, condemnation, and forfeiture thereof.

On March 1, 1910, the said National Bakers' Egg Company filed an answer setting up claim to the said barrel of desiccated egg product, and denying that the product was adulterated as alleged in said libel. The case came on for hearing April 1, 1910, on the facts alleged in the libel and the claimant's answer thereto. The issues of fact raised were submitted to the jury upon the testimony, argument of counsel, and the following instructions of the court:

Hon. J. B. McPHERSON, J.

GENTLEMEN OF THE JURY: I dare say you all have some general idea, at all events, about the pure food act, although you may not have come into contact with it quite as closely as you have the last day. This proceeding is somewhat unusual. It is not

a suit against any particular person, although, in substance, in one of its aspects, it amounts to that; but it is directly a proceeding against a particular article of goods for the purpose of forfeiting it—for the purpose of condemning it. The United States declares that it is a kind of article which is forbidden to be transported in commerce between the states by the pure food act, and, therefore, it may be forfeited, condemned and destroyed; and the pure food act, in one of its sections, confers such power upon the courts of the United States; but, of course, before a remedy like that can be enforced,—a very drastic remedy,—you see it is taking a man's property from him, and destroying it, even although he has a trial to justify his right to it,—his right to retain it—I say, a remedy like that, of course, calls for clear and satisfactory proof on the part of the United States. This is not a criminal trial, strictly speaking, because there is nobody charged with crime, but it is a suit to enforce a penalty, and a severe penalty, as I just said, and, therefore, while the burden of proof is upon the United States, it is not the ordinary burden of proof such as exists in a civil suit between two individuals. In that case, as you no doubt know from your previous service upon juries, all that is necessary is that there shall be a fair balance of evidence in favor of one party or the other. It is not required that there should be, for example, as in a criminal case, proof beyond reasonable doubt, and that degree of proof is not required in this case, either—proof beyond a reasonable doubt; but a higher degree of proof than a mere preponderance,—a mere balance of evidence in favor of the Government is required. It is necessary, in a case like this, that the Government should establish, by clear and satisfactory evidence, that its case has been made out. These terms are necessarily somewhat indefinite, but I cannot do any better with them.

Now, has the Government laid before you evidence of that kind and quality? That is the question for your determination. The only part of the Act to which your attention need be directed is contained in this language: "If the article complained of"—in this case it is a barrel of egg product,—dried egg—"consists in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, then it may be condemned." Now, of course, this is an animal substance. It is made from eggs. It is composed wholly of that substance, as I understand. There is no evidence that there is any admixture; so that we may assume that it is wholly composed of animal substance. Now, is it, therefore, filthy, decomposed or putrid. Either one of these adjectives, if applied to this substance, and established by proof, would be sufficient to justify the jury in condemning it. Now, of course, there is a certain difficulty in dealing with language always; namely, the difficulty of getting at the exact meaning which it is intended to convey; and some words—indeed, a great many words, are incapable of precise definition. Words, as you know, very often mean what we choose to have them mean. They bear the meaning that we put into them, and that meaning varies from time to time, and varies under different circumstances, and that is true about a great many words. Without troubling you longer with general remarks, it is certainly true with regard to these particular words, filthy, decomposed or putrid. Now, if any one attempts to make a scientific definition of these words, so as to give a precise and accurate meaning to each of them, I think he will find that he has undertaken a very difficult task. "Filthy," for example, might be said to be in the superlative degree of a word like soil. You speak of an article soiled. It conveys to our minds a sufficiently accurate meaning. Then if you say it is dirty, you go a step further, of course. It is pretty hard to say just what the limits are which shall describe an article as dirty, within which it may be properly described as dirty. Then when you say it is filthy, you are at once conscious that you have gone a step further; but just how far, I think it will be very difficult to say—I mean to know accurately and precisely, so that there should be no doubt at all about the limits you have.

And take the two words, that I will speak of together, decomposed and putrid; I think it is fair to say that they represent steps in the same direction. If we take the word rotten as expressing the general idea to which these two words may be referred, decomposed would probably represent a less advanced stage than putrid. I think there could not be any doubt about the word putrid, and yet there certainly would be some doubt as to where you would properly apply the word decomposed. It was said by one of the witnesses yesterday, and I thought very accurately said, that through our common experience there are certain kinds of cheeses, for example, which are eaten, and eaten extensively; but to which, certainly, the word decomposed, in some of its meanings, may properly be applied; and no doubt it is true with regard to certain other products, which I need not speak of, animal and vegetable. The process of fermentation is a process of decomposition. If fermentation goes on long enough, the article falls to pieces. Sugar, when it is fermented, begins to break up; and decomposition means, of course, to break up; to decompose, to resolve into its elements. So that when fermentation has proceeded far enough, it becomes decomposed, and to say just precisely where fermentation ceases and decomposition begins would be a very difficult task. I have been speaking to you in a very general way about the effort to assign a precise meaning to such words as these, but it is not necessary for you to trouble yourself, I think, about that matter. It is a general rule, with regard to all statutes passed by the Legislature, or by Congress, that the meaning which the words bear is the usual and ordinary and every day meaning which language is given in its common use among men. Laws are addressed to the community, and, therefore, they properly are construed in accordance with the sense which their language bears among the people that compose the community. Therefore I say, as I have just said, I think you will have very little trouble in assigning a sufficiently accurate meaning to these words. Filthy and decomposed and putrid, I think you will agree, convey a sufficiently definite meaning to the ordinary mind, and particularly,—and this is what concerns us now—in relation to the subject matter about which they are applied, namely, food. It is an act with regard to food. It is an act with regard to pure food, and that is the effort of the statute, to see that the people get pure food; and, therefore, when a substance which professes to be food is to be condemned because it is filthy, decomposed or putrid, necessarily those words are to be applied to the subject matter of the act, the substances that are offered for food; and, therefore, as I say, when you come to deal with that subject, as you are dealing with it, and attempt to apply these words to it, it requires the jury to say what is the condition of this substance, considered as food, offered for that purpose. Would it properly, in the ordinary use of these words, be condemned as filthy, or would it properly be condemned as decomposed or putrid? Now, I have no doubt,—or, at least, I trust—you get my meaning with regard to that. You are not required to assign scientific definitions to these words at all. You are simply required to give them their ordinary and usual meaning, and then apply that to the evidence in this case, and determine whether, in either respect, this substance can be said to offend against the statute. The Government's case, as I understand it, depends solely upon the presence of these minute vegetable existences in the product. I am right about that, am I not?

Mr. DOUGLAS. No, animal existences.

The COURT. They are not always animal. Some of them are and some of them are not. Most of them are vegetable.

Mr. SHERN. Organisms.

The COURT. They are organisms, but the vast majority of them are vegetable. There are a few that are animal, but only a few. But, at all events, it is the presence of these organisms on which the Government relies.

Mr. DOUGLAS. Yes, sir.

The COURT. Now, you have heard a good deal of testimony with regard to the presence of these bacteria or bacilli, I do not know exactly which word is the precise and proper word to apply, but, at all events, these very minute microscopic creatures, which, within a comparatively few years, have become of great importance. Now, you have a great deal of testimony about it from these gentlemen who have made the subject a study, and I commend their testimony to you for your careful consideration. We are, necessarily, in a subject like this, obliged to rely upon the testimony of expert witnesses, and their testimony is to be given a great deal of attention, and it is for the jury to say what its value is, and how far it may safely be relied upon. It may, perhaps, be difficult for the jury to come to a conclusion upon that matter, and yet there is not any other tribunal to whom that subject can be left, and especially is that the case where, as here, there is a difference of opinion among the experts with regard to the conclusion that ought to be drawn. That is not at all an uncommon situation, and it is not at all a situation,—or, at least, it is not a situation that need be dwelt upon with any degree of reprobation. It is comparatively common, I may say, to speak of expert testimony with a subdued sneer, at all events, and sometimes with an open sneer. I do not think it is justified in a great majority of the cases. These gentlemen are,—there is no possible reason to doubt,—I am not speaking especially about the witnesses in this case, but expert witnesses generally—they are almost always entirely honest, and desirous, to the last degree, to give the best evidence they can upon the subjects concerning which they are asked questions, but they are human, like other people. They have their own theories. They sometimes have their own biases and prejudices, which color their views, and in that subject, like the one that is before us, you can see there is a great deal of room for difference of opinion. The subject matter is one that is difficult to have accurate information on, although you may have approximate information that is substantially sufficient; and then besides, in an examination of these substances, if a sample were taken from one part of this large package, it might be of one quality, and then beside that there may be a sample that would be of a very different quality. So that one witness examining one sample and one examining another,—they might come to what seemed to be widely different conclusions, and are, if you regard the two samples as of the same quality; yet, if they are of different quality, of course the differences in their testimony is accounted for. I do not think it would be either necessary or desirable for me to comment upon their testimony. Counsel have already done that sufficiently, and besides their testimony was not difficult to understand, and I have no doubt you all understand it sufficiently for all purposes.

From their testimony, I repeat, the question for you is whether this substance was, at the time it was seized, either filthy, decomposed or putrid, with special reference to the fact that it was offered and intended as food, not whether it was going to be in the future, or whether it might be in the future, owing to the presence of these creatures,—these organisms in it, but whether it was at that time of that description; because it is to that time that the Government necessarily is confined.

Now, that is the case, and I do not believe I can assist you any further in the matter. I have endeavored to give you what I think is the proper method of the construction of this statute, and, as you will see, the question is a very narrow one, it is one for you to determine very largely, or in large part, by the aid of your common sense and common knowledge with regard to the meaning of these words. I cannot say to you definitely what they mean. It is for you to say what they mean, the kind of words I have given you. Of course, you have not any arbitrary right on that subject, but what their meaning is is what they mean to the ordinary citizen to whom they are addressed. They have not, as I conceive in this statute, a precise and scientific definition. Their meaning must be determined by a consideration of the subject matter about which they are dealing, namely, pure food,—as pure food as possible,

and in that light, the jury, with the instructions I have given them, must determine the question. Your verdict in the case would simply be in favor of the United States, if you find that this substance should be condemned, or in favor of the claimant, if you find that the Government has not made out its case, tested by the rule with regard to the burden of proof to which I have referred.

Mr. SHERN. Will Your Honor allow me to make a suggestion? Of course, the jury know better, but the newspapers have been full of this case, and I would like the jury to govern themselves by what they have heard in Court, and not be actuated by any other comment.

The COURT. Not all the newspapers were full of it, for I have not seen a word about it, but there may have been some, as there doubtless are, if Mr. Shern's information is accurate. Doubtless some may have had comments about it. I do not know whether the jury have seen them. However, if they have, I am sure they will dismiss it from their minds, and decide the case upon the evidence and the instructions of the Court.

The jury returned a verdict in favor of the United States and on April 20, 1910, the court rendered a decree of condemnation and forfeiture, adjudging the product to be adulterated because it consisted in whole or in part of a filthy, decomposed, and putrid animal substance, and ordered that the said goods be destroyed. On the same day, in accordance with this decree, the property was destroyed by the United States marshal for the said district.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

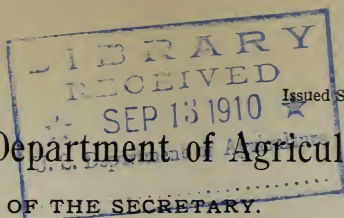
WASHINGTON, D. C., *August 5, 1910.*

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 545, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF COFFEE.

On or about May 14, 1910, the Dannemiller Coffee Company, Brooklyn, N. Y., shipped, over the Old Dominion Line Steamship Company, from the State of New York to the State of Virginia, ten cases of coffee, the unit packages in each of these cases being labeled: "1 pound Dannemiller's Cordova Coffee New York and Canton, Ohio. It has no superior for purity, strength and richness. Superior to all the so-called Mocha and Java coffee offered in bulk. Dannemiller & Co., New York City."

Examination of samples of this product, made by the Bureau of Chemistry, United States Department of Agriculture, showed that it was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As the findings of the analyst and report made showed that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Virginia.

In due course a libel was filed in the District Court of the United States for said district against the said ten cases of coffee, charging the product to be adulterated and misbranded, in that said packages contained coffee different from that described in the label above set forth, and was, in truth and in fact, an inferior grade of South American coffee coated with substances of adulteration in a manner whereby damage or inferiority was concealed.

The case coming on for hearing, the court, being fully informed in the premises, rendered its decree declaring the ten cases of coffee above referred to forfeited to the United States of America, and ordering the marshal of the district to sell the said coffee as personal property is required to be sold when forfeited.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *August 5, 1910.*

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF CHEMISTRY

RESEARCH REPORT NO. 100

THE REACTION OF HYDROGEN PEROXIDE WITH  
SODIUM HYDROGEN SULFATE IN AQUEOUS  
SOLUTION AT 25°C. AND 1 ATM. PRESSURE.  
BY  
J. H. HARRIS AND R. W. HARRIS

RECEIVED JANUARY 10, 1934  
PUBLISHED FEBRUARY 1, 1934

ABSTRACT  
The reaction of hydrogen peroxide with sodium hydrogen sulfate in aqueous solution at 25°C. and 1 atm. pressure has been studied. The reaction is first order in hydrogen peroxide and first order in sodium hydrogen sulfate. The rate of reaction is independent of the concentration of the sodium ion.

INTRODUCTION  
The reaction of hydrogen peroxide with sodium hydrogen sulfate in aqueous solution at 25°C. and 1 atm. pressure has been studied. The reaction is first order in hydrogen peroxide and first order in sodium hydrogen sulfate. The rate of reaction is independent of the concentration of the sodium ion.

EXPERIMENTAL  
The reaction of hydrogen peroxide with sodium hydrogen sulfate in aqueous solution at 25°C. and 1 atm. pressure has been studied. The reaction is first order in hydrogen peroxide and first order in sodium hydrogen sulfate. The rate of reaction is independent of the concentration of the sodium ion.



F. & D. No. 1257.  
S. No. 450.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 546, FOOD AND DRUGS ACT.

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#### MISBRANDING OF CHEESE.

On or about November 8, 15, 22, and 29, and December 6, 1909, George B. Horton & Sons, Fruit Ridge, Mich., shipped from the State of Michigan into the State of Ohio a quantity of full cream cheese contained in 51 boxes, being branded and labeled as to the respective weights of the said boxes. Examination of the samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipments were liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of Ohio.

In due course a libel was filed in the District Court of the United States for said district against the above-mentioned 51 cheeses, alleging them to be misbranded for the reason that the said boxes, by pencil figures thereon, incorrectly stated the weight or measure of the contents of the same, and that the said pencil figures did not plainly and correctly state on the outside of the respective boxes the true or actual weight of the contents of same; that the weights stated on the said boxes as to ten of the same were as follows: 29, 30, 29, 30, 31, 31, 32, 31, 30, 29; that the said figures were so placed on the said boxes for the purpose of indicating the number of pounds of cheese contained in said boxes; the actual weight of cheese contained in said boxes was respectively as follows:  $26\frac{1}{2}$ , 28,  $26\frac{1}{2}$ ,  $27\frac{1}{2}$ ,  $28\frac{1}{2}$ , 29,  $28\frac{1}{2}$ , 29,  $27\frac{1}{2}$ ,  $26\frac{1}{2}$ ; that the remaining 41 boxes containing said cheese as part of said shipments bore like pencil figures indicating the weight of the contents of said boxes, which weights were not correctly stated.

Thereupon the F. D. McKinniss Company, of Marion, Ohio, entered its appearance and set up claim to the ownership of the 51 cheeses in question, and the case coming on for hearing, the court, being fully informed in the premises, rendered its decree, finding the aforesaid cheese to have been misbranded, in that said boxes and each of them contained cheese less in weight than the amount indicated on the respective packages by the marks and brands thereon and condemning and forfeiting said product to the United States, with a proviso, however, that upon the payment by said claimant of all the costs in these proceedings and the execution and delivery by said claimant of a good and sufficient bond to be approved by the clerk in the penalty of \$200, conditioned that the said packages of cheese should not be sold or otherwise disposed of contrary to law, that the marshal of said district should forthwith deliver said product to said claimant. The costs having been paid and satisfactory bond furnished in conformity with the terms of the above decree, the product was forthwith delivered to claimant.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *August 5, 1910.*



# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 547, FOOD AND DRUGS ACT.

### MISBRANDING OF COFFEE.

On or about June 12, 1909, the John H. Fitch Coffee Company, Incorporated, of Youngstown, Ohio, shipped from the State of Ohio to the State of Pennsylvania a consignment of coffee labeled on the outside of the package, "New Government blend coffee," and on embossed placards contained in the box with the packages of coffee was the statement, "New Government Java Blend Coffee." A sample from this shipment was procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the John H. Fitch Coffee Company, Incorporated, and the dealer from whom the sample was purchased opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed against the said John H. Fitch Coffee Company, Incorporated, in the District Court of the United States for the Northern District of Ohio, charging the above shipment and alleging that the product was misbranded, in that the label thereon and the placards accompanying the package were so branded as to deceive and mislead the purchaser into believing that the package contained Java coffee when as a matter of fact it did not contain Java coffee.

On June 28, 1910, defendant entered a plea of guilty and the court imposed a fine of \$25 and costs.

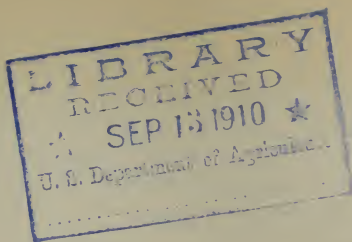
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *August 5, 1910.*







F. & D. No. 1334.  
I. S. No. 11433-b.

Issued September 6, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 548, FOOD AND DRUGS ACT.

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#### MISBRANDING OF FLAVORING EXTRACT (VANILLA).

On or about November 24, 1909, the Ludlow-Robson Company, Incorporated, Toledo, Ohio, shipped from the State of Ohio to the State of Michigan a consignment of food product labeled "Pennant Brand Flavoring Extracts. Imitation Vanilla Flavor, Pure vanilla 20.52, Vanillin 12.00, Coumarin 3.48, Sugar 8.00, Grain Alcohol 12.00, Water 44.00, Caramel color, Manufactured by the Ludlow-Robson Company, Toledo, Ohio. Guaranty Serial No. 7310." A sample from this shipment was procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Ludlow-Robson Company, Incorporated, and the dealer from whom the sample was purchased opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed against the said Ludlow-Robson Company, Incorporated, in the District Court of the United States for the Northern District of Ohio charging the above shipment and alleging that the product was misbranded in that the label stated "Pure vanilla 20.52, Vanillin 12.00, Coumarin 3.48, Sugar 8.00, Grain Alcohol 12.00, Water 44.00, Caramel color," which statements were false and misleading in that they purported to state the ingredients of the product, whereas in fact it contained

alcohol 8.04, vanillin 0.58, coumarin 0.05, and a small amount of vanilla resins.

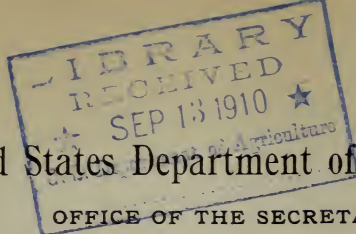
On June 8, 1910, the defendant entered a plea of nolo contendere and the court imposed a fine of \$25 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *August 5, 1910.*





Issued September 6, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

### NOTICE OF JUDGMENT NO. 549, FOOD AND DRUGS ACT.

#### ADULTERATION AND MISBRANDING OF "ALLEN'S RED TAME CHERRY."

On or about March 20, 1909, the Lima Fruit Juice Company, Incorporated, Lima, Ohio, shipped from the State of Ohio to the State of Missouri a consignment of food product labeled "Drink Allen's Red Tame Cherry—Refreshing, delicious, cooling—Artificially colored—not a wild cherry—The Lima Fruit Juice Company, Lima, Ohio." A sample from this shipment was procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Lima Fruit Juice Company, Incorporated, and the dealer from whom the sample was purchased opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence on which to base a prosecution.

In due course a criminal information was filed against the said Lima Fruit Juice Company, Incorporated, in the District Court of the United States for the Northern District of Ohio charging the above shipment, and alleging that the product was adulterated in that an artificial sirup was substituted wholly or in part for the genuine product as labeled and that the said product was artificially colored in such manner that its inferiority was concealed, and further alleging that the product was misbranded because it was labeled so as to mislead and deceive purchasers into believing that the article was a genuine cherry sirup, when as a matter of fact it was an artificial sirup colored in a manner so that its inferiority was concealed.

On June 7, 1910, defendant entered a plea of *nolo contendere* and the court imposed a fine of \$25 and costs.

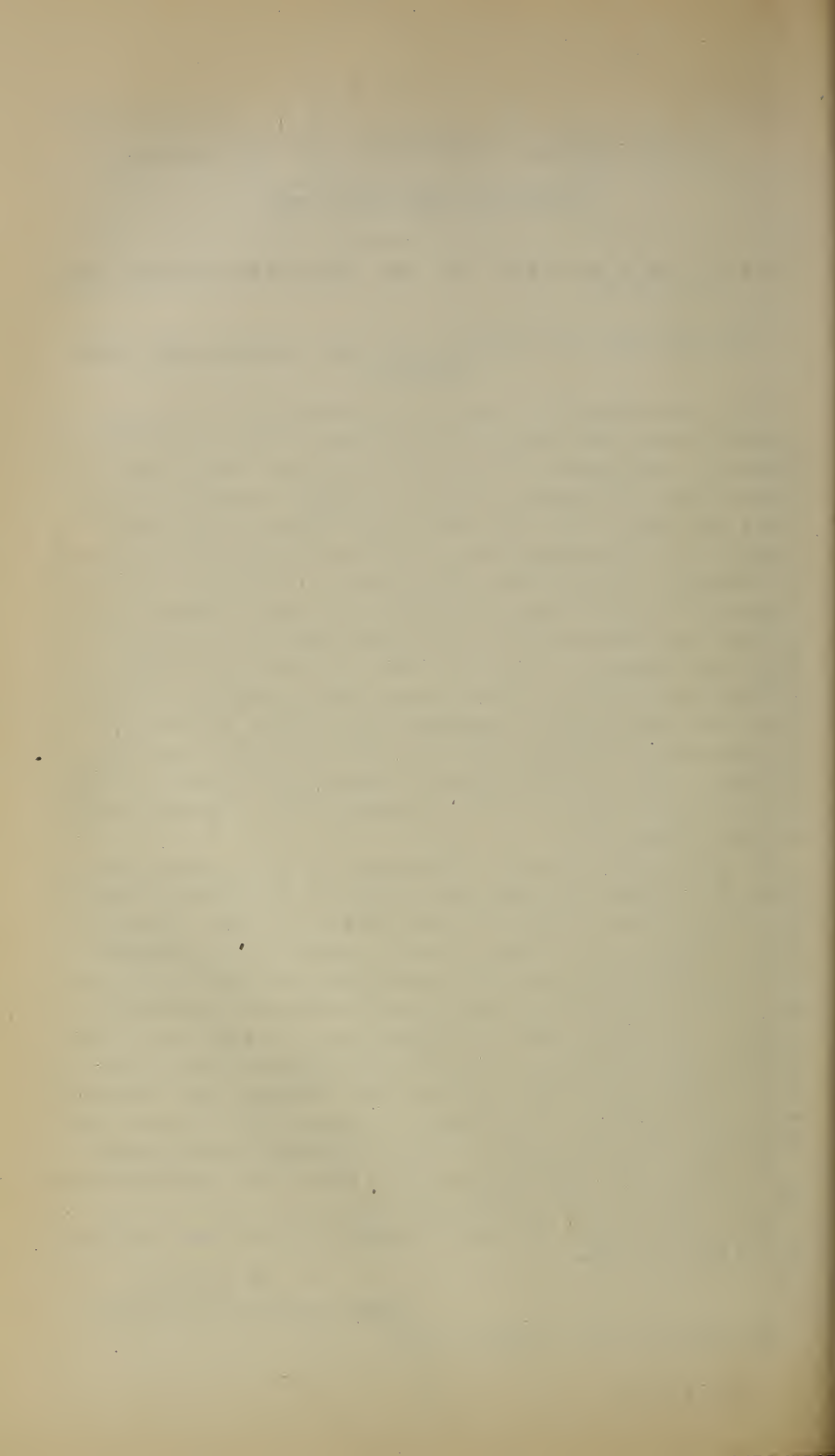
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

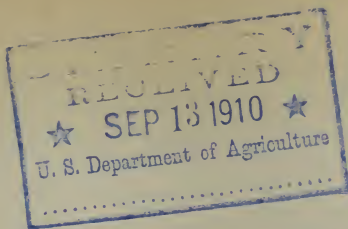
W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., August 5, 1910.







F. & D. No. 609.  
I. S. No. 9360-a.

Issued September 6, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 550, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF SPIRITS OF CAMPHOR.

On or about February 9, 1909, the Dow & Snell Company, Incorporated, Toledo, Ohio, shipped from the State of Ohio to the State of Michigan a consignment of drug product labeled "Triumph Brand, Pure Spirits of Camphor, manufactured by the Dow and Snell Company, Toledo." A sample from this shipment was procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Dow & Snell Company, Incorporated, and the dealer from whom the sample was purchased opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence on which to base a prosecution.

In due course a criminal information was filed against the said Dow & Snell Company, Incorporated, in the District Court of the United States for the Northern District of Ohio charging the above shipment and alleging that the product was adulterated in that it was sold under a name "Spirits of Camphor" recognized in the United States Pharmacopœia, but that the article did not comply with the standard prescribed by that authority and did not have the standard of strength, quality, or purity stated upon the package in which it was contained, and further that the product was misbranded in that the package containing the same was so labeled as to cause the purchaser to believe that the article was spirits of camphor when as a matter of fact it was not spirits of camphor as recognized by the United States Pharmacopœia, and also that the label in no manner declared the presence of

alcohol in the product, when as a matter of fact a quantity of alcohol was found therein.

On June 22, 1910, the defendant entered a plea of nolo contendere and the court imposed a fine of \$25 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *August 5, 1910.*

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 551, FOOD AND DRUGS ACT.

### MISBRANDING OF PRESERVES.

On or about October 24, 1908, the Williams Brothers Company, a corporation, Detroit, Mich., shipped from the State of Michigan to the State of Oklahoma a consignment of food products one of which was labeled "Maple Leaf Brand Trade \* \* \* Mark. Compound-Glucose-Sugar. Strawberry-Apple Preserves. Made from Glucose (25%), Strawberries (20%), Apple Juice (40%), and Sugar, (15%)," and the other "Maple Leaf Brand Trade \* \* \* Mark. Compound-Glucose-Sugar. Red Raspberry-Apple Preserves. Made from Glucose (25%), Red-Raspberries (20%), Apple Juice (40%), and sugar (15%)."

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Williams Brothers Company, Incorporated, and the dealer from whom the samples were purchased opportunities to be heard. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence on which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Michigan charging the above shipment and alleging that the products were misbranded, in that the labels thereon represented that they contained only 25 per cent of glucose, when in fact and in truth the former contained 51.31 per cent of glucose and the latter contained 68.22 per cent of glucose, said labels therefore being false and misleading.

On July 22, 1910, the defendant entered a plea of nolo contendere and the court imposed a fine of \$3.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., August 5, 1910.





Issued September 6, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 552, FOOD AND DRUGS ACT.

### MISBRANDING OF PRESERVES AND JELLY.

On or about September 2, 1909, the Williams Brothers Company, a corporation, Detroit, Mich., shipped from the State of Michigan to the State of Oklahoma a consignment of food products one of which was labeled "Maple Leaf Brand Trade \* \* \* Mark. Compound—Glucose—Sugar. Strawberry-Apple Preserves. Made from Glucose (25%), Strawberries (20%), Apple Juice (40%) and Sugar (15%)," and the other "Compound Glucose Apple Jelly Contains 1/3 of 1% Tartaric Acid. Made of Apple Juice (60%), Glucose (40%). Trade \* \* \* Mark."

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made thereon indicated that the products were misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Williams Brothers Company and the dealer from whom the samples were purchased opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence on which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Michigan charging the above shipment and alleging that the products were misbranded, in that the labels thereon represented the preserves to contain only 25 per cent of glucose, and the jelly to contain only 40 per cent of glucose, when in fact and in truth the preserves contained 51 per cent of glucose and the jelly contained 70.70 per cent of glucose, said labels therefore being false and misleading.

On July 22, 1910, the defendant entered a plea of nolo contendere and a fine of \$3 was imposed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

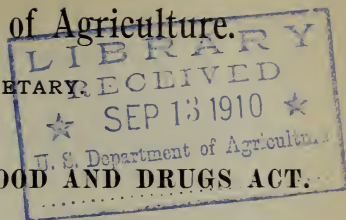
WASHINGTON, D. C., August 5, 1910.



Issued September 6, 1910.

# United States Department of Agriculture.

OFFICE OF THE SECRETARY



## NOTICE OF JUDGMENT NO. 553, FOOD AND DRUGS ACT.

### MISBRANDING OF PRESERVES.

On or about September 26, 1908, the Williams Brothers Company, a corporation, Detroit, Mich., shipped from the State of Michigan to the State of South Dakota a consignment of food product labeled "Maple Leaf Brand Trade \* \* \* Mark Compound-Glucose-Sugar. Strawberry-Apple Preserves. Made from Glucose (25%), Strawberries (20%), Apple Juice (40%), and Sugar (15%). 16 oz. avoirdupois—net weight."

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Williams Brothers Company, Incorporated, and the dealer from whom the samples were purchased opportunities to be heard. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Michigan charging the above shipment and alleging that the product was misbranded, in that the labels thereon represented the article to contain only 25 per cent of glucose, when in fact the article contained 49 per cent of glucose, and also that the label thereon represented the article to be 16 ounces net weight when in fact and in truth the net weight thereof was only 14.81 ounces, said labels therefore being false and misleading.

On July 22, 1910, the defendant entered a plea of *nole contendere* and the court imposed a fine of \$3.

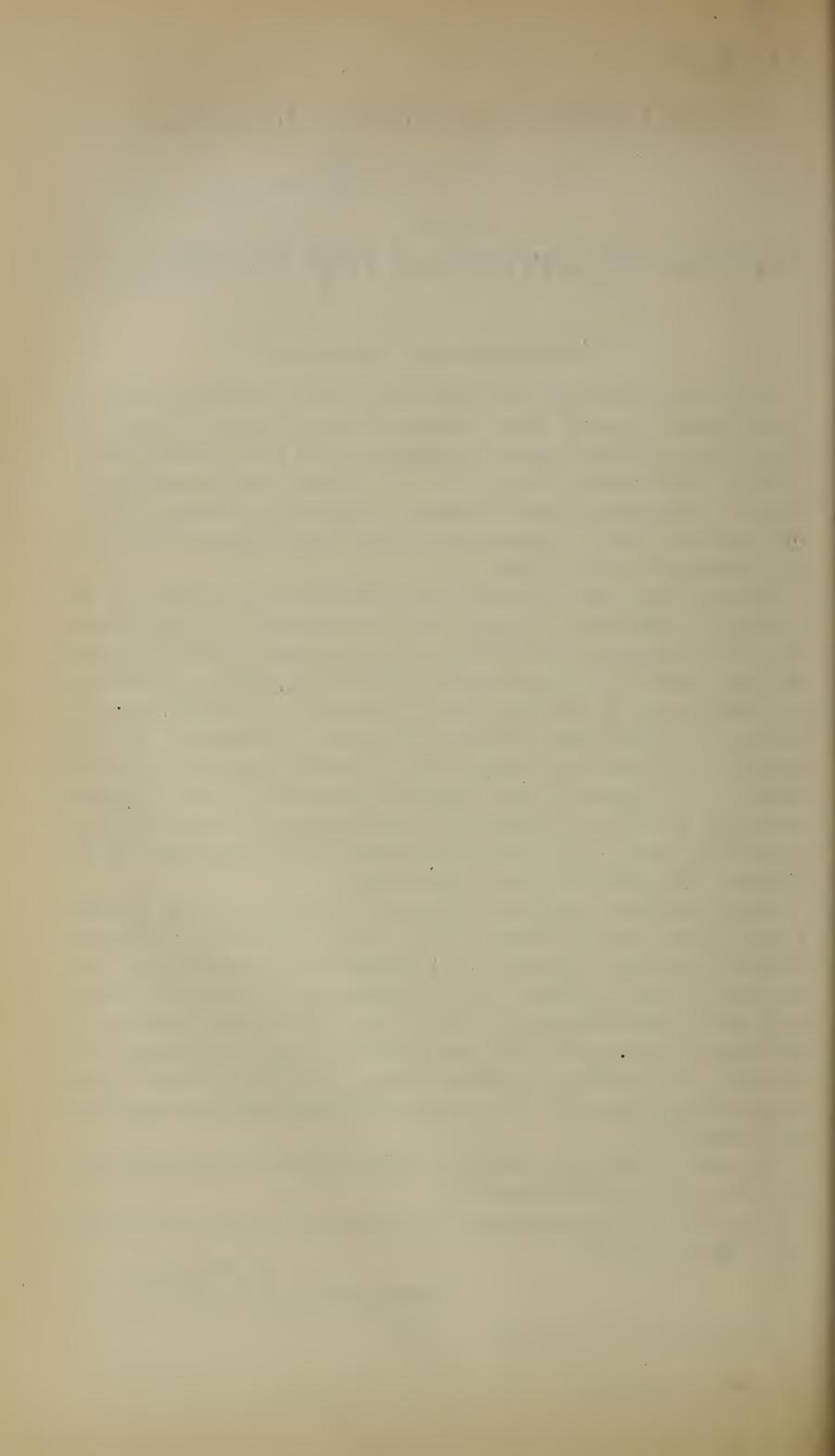
This notice is given pursuant to section 4 of the Food and Drugs act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., August 5, 1910.





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 554, FOOD AND DRUGS ACT.

### MISBRANDING OF PRESERVES.

On or about September 25, 1909, the Williams Brothers Company, a corporation, Detroit, Mich., shipped from the State of Michigan to the State of Illinois a consignment of food products, one of which was labeled: "Maple Leaf Brand Trade \* \* \* Mark Compound-Glucose-Sugar. Peach Apple Preserves. Made from Glucose (25%), Peaches (20%), Apple Juice (40%), and Sugar (15%)" ; and the other "Maple Leaf Brand Trade \* \* \* Mark. Compound-Glucose-Sugar. Pineapple-Apple Preserves, Made from Glucose (25%), Pineapple (20%), Apple Juice (40%), and Sugar (15%)."

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Williams Brothers Company, Incorporated, and the dealer from whom the samples were purchased opportunities to be heard. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence on which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Michigan charging the above shipment and alleging that the products were misbranded, in that the labels thereon were false and misleading because they represented the products to contain only 25 per cent of glucose, whereas in fact and in truth the former contained 50 per cent of glucose and the latter 49 per cent of glucose.

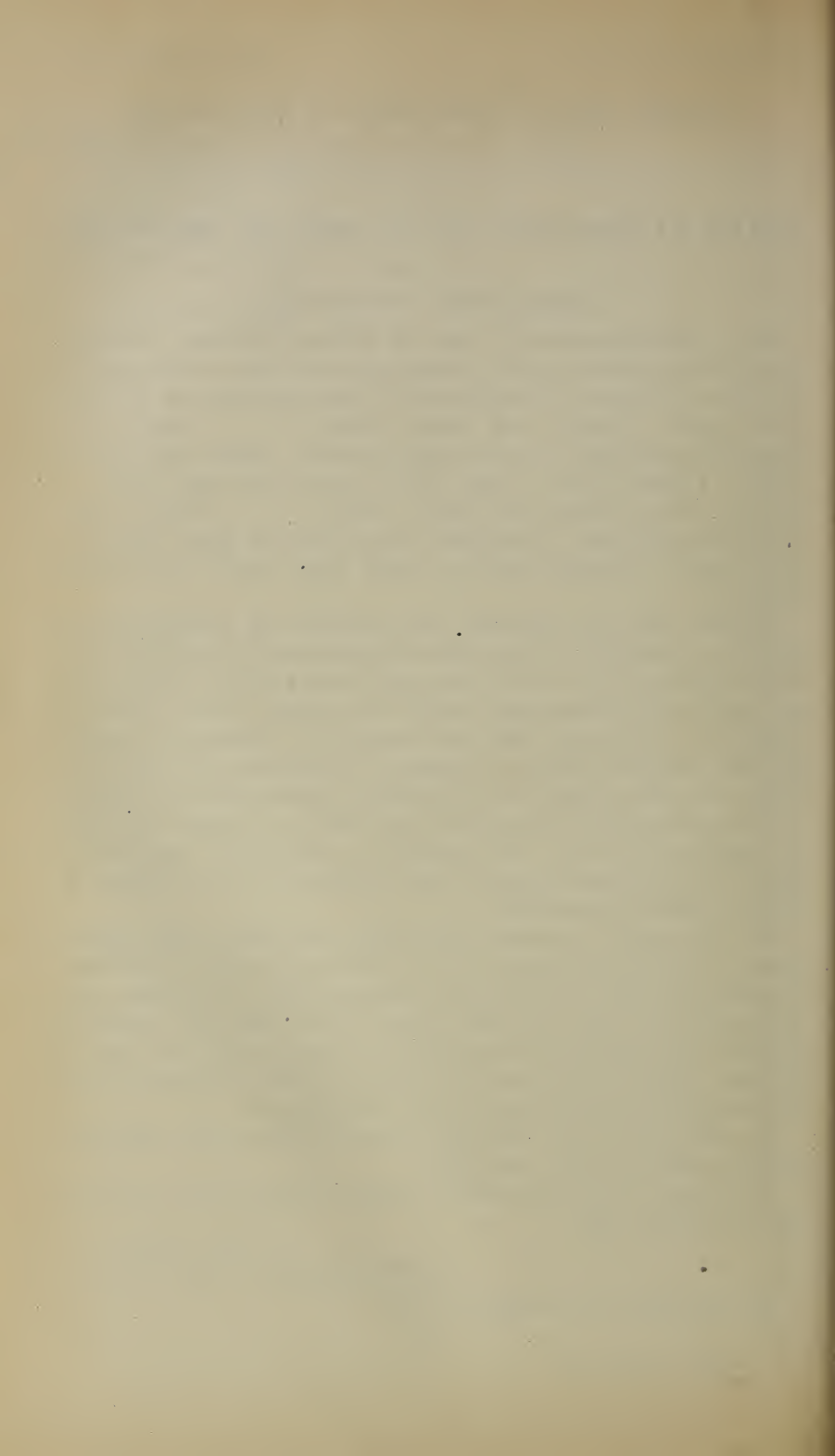
On July 22, 1910, the defendant entered a plea of nolo contendere and the court imposed a fine of \$3.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., August 5, 1910.





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 555, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF CANNED TOMATOES.

On or about September 7, 1909, C. W. Baker & Sons, Aberdeen, Md., shipped from the State of Maryland into the State of Texas 2,000 cases of canned tomatoes, each of which cases was labeled "2 doz. No. 3 Perfection Brand Tomatoes," the cans contained in said cases being each labeled "Perfection Brand Tomatoes, Packed by R. G. Charles, Westover, Summerset Co., Md." Analysis of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, indicated that it was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of Texas.

In due course a libel was filed in the District Court of the United States for said district, charging the above shipment and alleging that said 2,000 cases of tomatoes, and each of them, were misbranded and adulterated in this, to wit, that each case is labeled "2 doz. No. 3 Perfection Brand Tomatoes," which said label represented that the said cases, and each of them, contained, as aforesaid, tomatoes in cans, when in truth the said cases and each of them contained an adulterated and misbranded article of food, to wit, two dozen cans each of a filthy, decomposed, and putrid vegetable substance, and also contained a poisonous ingredient which might render the said substance injurious to health, to wit, salts of tin, and praying seizure and condemnation of the product.

Whereupon R. G. Charles, a resident of the State of Maryland, appeared and filed an answer to said libel, claiming to be the sole owner of the two thousand cases of tomatoes involved and excepting and objecting to said libel on the ground that he was not furnished one of the three samples of the product involved, which were taken by an inspector of the United States Department of Agriculture; that he was not furnished a copy of the findings made in connection with the examination and analysis of said samples; that by reason

of the lack of a copy of said findings he was unable, when cited to a hearing, to submit intelligently oral or written evidence impugning such findings; that only a small percentage, not over 4 per cent, of the cans in question were bad; that the defective character of such bad cans was visible on superficial examination; and averring that the contention that the presence of such small number of bad cans rendered the entire shipment subject to condemnation and forfeiture was a taking of the defendant's property without due process of law, and therefore in violation of the fifth amendment of the Constitution of the United States, and praying the dismissal of the libel, that the property seized be returned to the defendant and that he be dismissed with all his costs.

The case coming on for hearing, the issues were submitted to the court without the intervention of a jury, and the court, being fully informed in the premises, rendered its decree in substance as follows:

UNITED STATES OF AMERICA	} March 25, 1910.
<i>vs.</i>	
2,000 CASES OF CANNED TOMATOES.	

On this day came on to be heard the above entitled and numbered cause, and R. G. Charles appeared as claimant to the property therein libelled, after having given cost bond as required by the statute, and thereupon came the United States of America, libellants, by their District Attorney, William H. Atwell, and the claimant in person and by his attorneys, and each and all announced ready for trial.

The matters of law, as well as of fact being submitted to the Court without a jury, the Court is of the opinion, after having heard the pleadings and testimony and being advised as to the law, and having heard the argument of counsel, that the allegations of the libel are true, and that the tomatoes libelled are interstate commerce, from the State of Maryland to the State of Texas, intended for food, and that a portion of the two thousand cases of canned tomatoes is unfit for food, in that the same is decomposed and contains putrid matter, and further that the same contain salts of tin, an ingredient deleterious to health, and it further appearing to the Court that there are in said two thousand cases of canned tomatoes some good cans and some bad cans, as hereinbefore described, and it further appearing to the Court that the said two thousand cases of canned tomatoes were seized by the United States Marshal under the said libel, and from the return of the said officer it appears that the same said two thousand cases of canned tomatoes are still in his possession.

Now, therefore, it is ordered, adjudged and decreed that the said United States Marshal for the Northern District of Texas shall separate the good cans from the bad cans, which said bad cans are herein and hereby condemned, and that after such separation the said Marshal shall deliver to the claimant, the said R. G. Charles, such cans as are good, and shall destroy such cans as are bad.

It is further ordered, adjudged and decreed that the costs of this proceeding shall be taxed against the claimant, the said R. G. Charles, and that the Marshal shall be reimbursed for such expenses in carrying out this judgment as under the law he is entitled to, to be charged and taxed as other costs.

And it is so ordered, adjudged and decreed, for all of which let execution issue.

To this decree the claimant at the time excepted, and in open court gave notice of appeal to the U. S. Circuit Court of Appeals for the Fifth Circuit and upon application made therefor was allowed sixty days from the date hereof for perfecting his appeal.

EDWARD R. MEEK, *Judge.*

Said R. G. Charles, within the period of sixty days allowed by the terms of said decree, perfected his appeal to the United States Circuit Court of Appeals for the Fifth Circuit, where the case is now pending on writ of error.

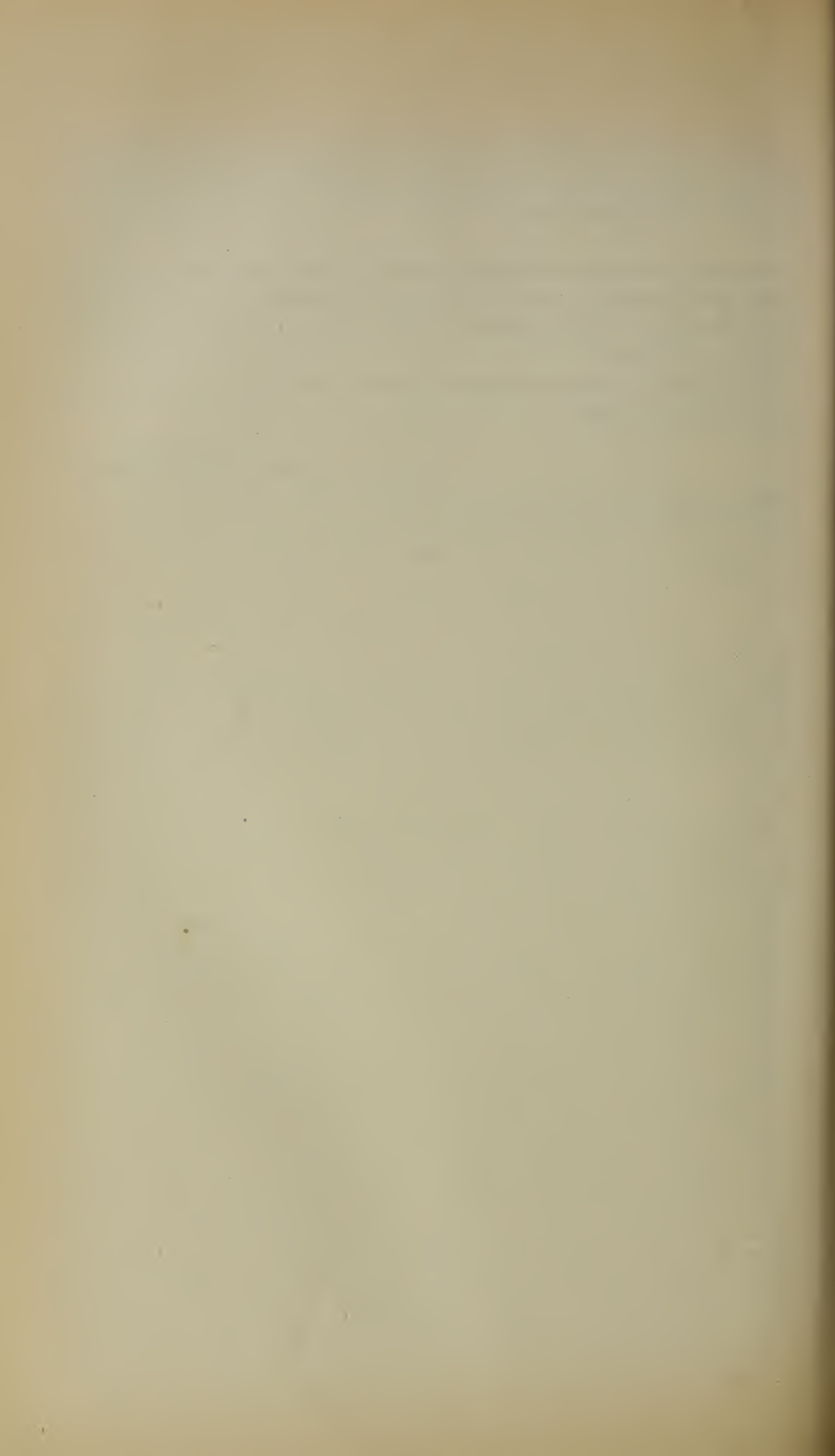
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *August 11, 1910.*

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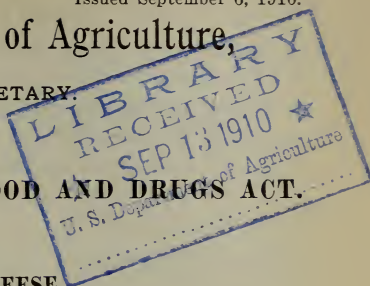


Issued September 6, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 556, FOOD AND DRUGS ACT.



### MISBRANDING OF CHEESE.

On or about December 6, 8, and 20, 1909, George B. Horton & Sons, Fruit Ridge, Mich., shipped from the State of Michigan into the State of Ohio various consignments of cheese aggregating 200 boxes, each box containing one cheese and being labeled "Meadow Brook Cheese—Full Cream—The Moore Bros. Co., Lima, Ohio." Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of Ohio.

In due course a libel was filed in the District Court of the United States for said district against the said 200 cheeses, charging the above shipment and alleging the product to be misbranded, in that the boxes containing same were labeled as to the respective weights of the cheeses therein by pencil figures indicating the weights at which each cheese, respectively, was sold, which pencil figures incorrectly stated the weight and measure of the contents of said boxes, the weights stated on 18 of said boxes being as follows: 22, 22, 20, 20, 15, 21, 30, 31, 31, 23, 23, 19, 24, 22, 21, 29, 32, 29, which figures were so placed on the said boxes for the purposes of indicating the number of pounds contained in said boxes, respectively, the actual weight of the cheese contained in each of said 18 boxes being, respectively, as follows: 21, 20.5, 18.75, 19, 14.25, 20.5, 30, 29.5, 21.5, 21, 17.75, 22.5, 20.75, 29.5, 27.5, 30.5, and 27.75; that the remaining 182 boxes bore like pencil figures indicating the weights of the contents of said boxes, respectively, which weights as to each of said boxes were incorrectly and falsely stated, the average weight of said cheeses being indicated by such marks as being 1.25 pounds greater than it actually was.

Thereupon Moore Brothers Company, Lima, Ohio, entered its appearance and claimed ownership of the 200 cheeses in question.

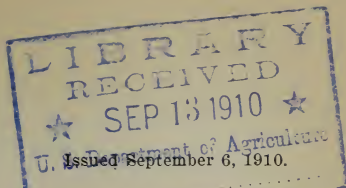
The case came on for hearing and the court, being fully informed in the premises, entered its decree sustaining the allegations of the libel above set forth and finding the boxes above described to have been misbranded and condemning and forfeiting the same, with their contents, to the United States, with the proviso, however, that upon payment by the above-mentioned claimant of all costs in these proceedings and the execution and delivery by said claimant of a good and sufficient bond to be approved by the clerk, in the penalty of \$500, conditioned that said cheeses should not be sold or otherwise disposed of contrary to law, the marshal of said district should deliver the product in question to said claimant. The costs having been paid and satisfactory bond executed and delivered in conformity with the terms of the above decree, the product was forthwith delivered to claimant.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *August 11, 1910.*

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 557, FOOD AND DRUGS ACT.

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### ADULTERATION OF MILK.

On or about June 23, 1910, George L. Hildebrand, Dickerson, Md., sold and delivered at the Union Station, Washington, D. C., a quantity of milk. Dr. William C. Woodward, health officer of the District of Columbia, acting by authority of the Secretary of Agriculture, caused a sample from the above delivery to be procured and analyzed. As the findings of the analyst and report made indicated that the milk was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said George L. Hildebrand was afforded an opportunity for hearing, and as it appeared after the hearing held that the said sale was in violation of the act, the said health officer reported the facts to the United States attorney for the District of Columbia.

In due course a criminal information against the said George L. Hildebrand was filed in the Police Court of the District of Columbia, charging that the milk was adulterated, in that there had been mixed and packed therewith a substance, to wit, water, which reduced and lowered its quality.

On July 8, 1910, the defendant entered a plea of guilty and the court imposed a fine of \$10.


This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *August 11, 1910.*







# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 558, FOOD AND DRUGS ACT.

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### ADULTERATION OF CREAM.

On or about April 16, 1910, Arthur Swart, Ashburn, Va., sold and delivered at the Union Station, Washington, D. C., a quantity of cream. Dr. William C. Woodward, health officer of the District of Columbia, acting under authority of the Secretary of Agriculture, caused a sample from the above delivery to be procured and analyzed. As the findings of the analyst and report made indicated that the cream was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said Arthur Swart was afforded an opportunity for hearing, and as it appeared after the hearing held that the said sale was in violation of the act, the said health officer reported the facts to the United States attorney for the District of Columbia.

In due course a criminal information against the said Arthur Swart was filed in the Police Court of the District of Columbia, charging that the cream was adulterated, in that a valuable constituent of the article, to wit, fat, had been left out and abstracted wholly or in part.

On July 8, 1910, the defendant entered a plea of guilty and the court imposed a fine of \$10.

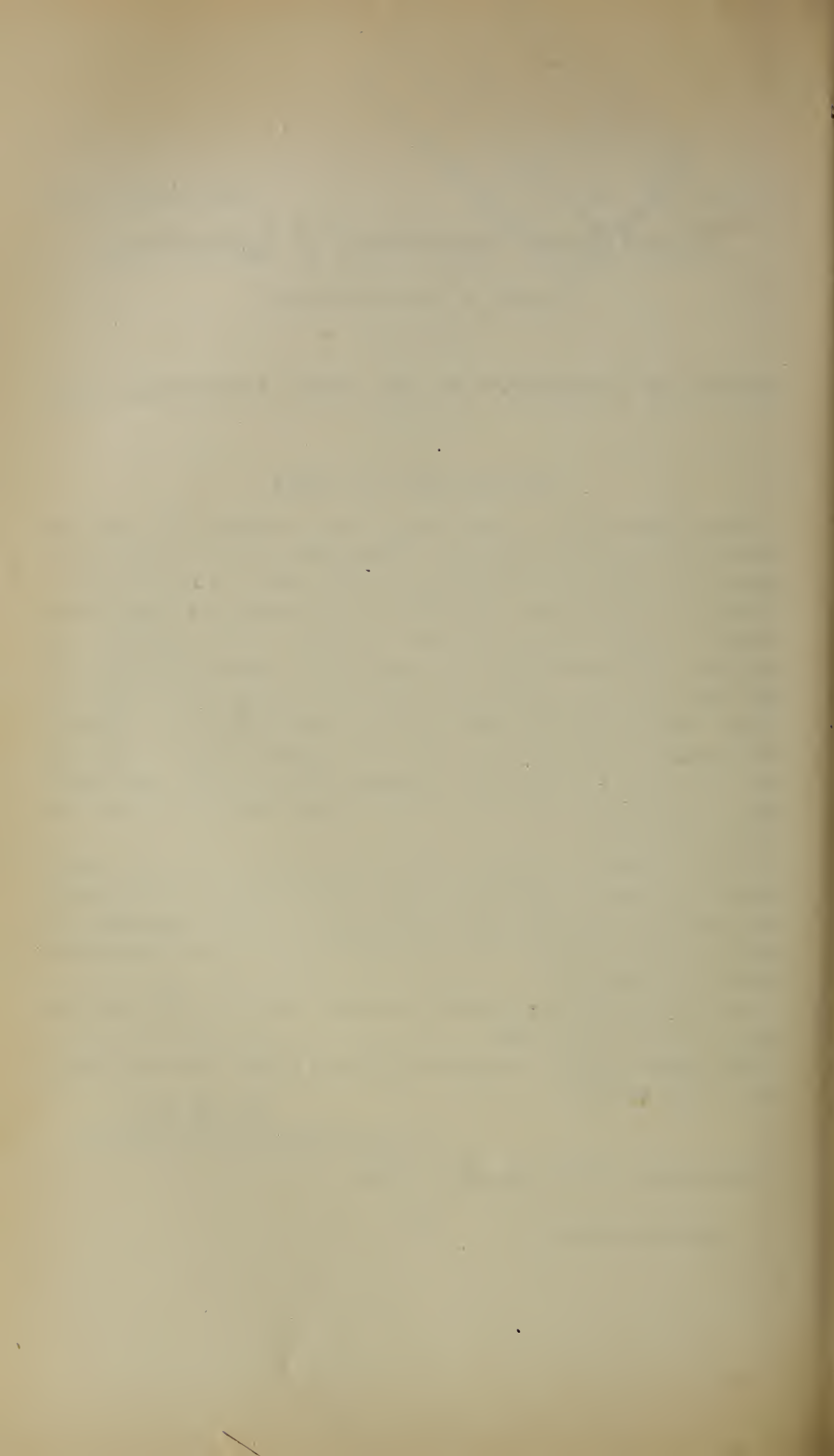
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

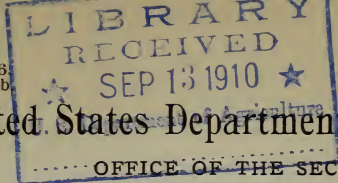
W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *August 11, 1910.*

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 559, FOOD AND DRUGS ACT.

### MISBRANDING OF "REXALL HEADACHE WAFERS."

On or about March 2, 1909, the United Drug Company, Chicago, Ill., shipped from the State of Illinois into the State of Tennessee a quantity of a drug product labeled "Rexall Headache Wafers." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said United Drug Company and the dealer from whom the sample was procured opportunities for hearings.

As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Northern District of Illinois against the said United Drug Company, charging the above shipment and alleging that the product was misbranded, in that the label thereon was false and misleading because it stated, among other things, that the said drug product in question was a headache remedy, "which is not only effective and harmless, but very easy to take and is guaranteed by us," when, in truth and in fact, the said drug product contained caffeine and acetphenetidin, which are well-known harmful and habit-forming ingredients, rendering the article aforesaid harmful and injurious to health, and in that said label contained a further false and misleading statement, to the effect that said headache wafers contained 228 grains of acetphenetidin to each ounce of the said wafer, when, in truth and in fact, said article contained more than 228 grains, to wit, 339 grains, of acetphenetidin to each ounce of said wafers.

On July 11, 1910, the defendant entered a plea of nolo contendere and the next day the court imposed a fine of \$50.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

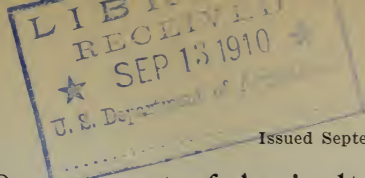
W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., August 11, 1910.







Issued September 6, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 560, FOOD AND DRUGS ACT.

### ADULTERATION OF OLIVES.

On or about December 18, 1909, Marrone & Lofaro, Utica, N. Y., shipped from the State of New York into the State of Ohio 5 casks of Sicilian green olives. Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of Ohio.

In due course a libel was filed against the said 5 casks of olives charging the above shipment and alleging adulteration, in that approximately 30.2 per cent of the product contained worms and pupæ, approximately 35.2 per cent thereof were worm eaten, and approximately 6.7 per cent thereof were partly decayed, in violation of section 7, paragraph 6, of the act.

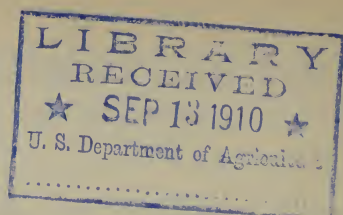
The case came on for hearing and no claim to the product having been filed, the court, being fully informed in the premises, found the allegations of said libel to be true and that said olives were in a filthy and contaminated condition, condemning and forfeiting the product and ordering that the marshal of the district should forthwith destroy same, and that the costs of the proceeding be assessed against the consignor and consignee of said product.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *August 11, 1910.*





## United States Department of Agriculture,

OFFICE OF THE SECRETARY

## NOTICE OF JUDGMENT NO. 561, FOOD AND DRUGS ACT.

## MISBRANDING OF VINEGAR.

On or about August 7, 1908, The Baltimore Manufacturing Company, a corporation, Baltimore, Md., shipped from the State of Maryland into the State of Virginia a consignment of 25 barrels of vinegar, each of which barrels was labeled "Albemarle Pure Vinegar, H. P. Harrison & Co., Wholesale Fancy Grocery, Petersburg, Va." Analysis of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Virginia.

In due course a libel was filed in the District Court of the United States for said district against said 25 barrels of vinegar, charging the above shipment and alleging that the product shipped as aforesaid was misbranded within the meaning of the act, in that each of said barrels of vinegar was falsely labeled as to the State in which it was manufactured; in that each of said barrels of vinegar was labeled so as to mislead and deceive the purchaser thereof, because said label purported to show that the vinegar in question was manufactured in the State of Virginia, when in truth and in fact it was manufactured in the State of Maryland.

The case came on for hearing on April 22, 1909, and no claim to the product having been interposed, a decree of condemnation was entered and the product was, after being properly branded, sold by the marshal of said district.

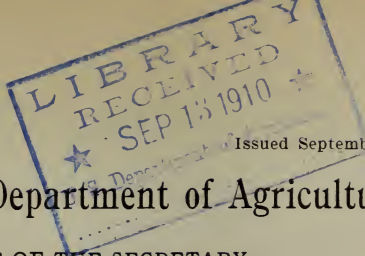
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., August 11, 1910.





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 562, FOOD AND DRUGS ACT.

### MISBRANDING OF NEUFCHÂTEL CHEESE.

On or about June 21, 1909, the P. E. Sharpless Company, a corporation, Philadelphia, Pa., shipped from the State of Pennsylvania to the State of New Jersey a package which contained a certain article of food and was labeled: "Neufchatel Cheese. P. E. Sharpless Co., Philadelphia. Absolutely Pure Fresh Daily. Main office, Philadelphia, Pa."

Samples of this product were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said P. E. Sharpless Company and the dealer from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Pennsylvania against the said P. E. Sharpless Company, charging the above shipment and alleging that the product was misbranded, in that the said package containing the said cheese bore a statement which was false and misleading, because it purported that the said cheese was Neufchatel cheese, when in truth and in fact it was not Neufchatel cheese.

On March 18, 1910, the defendant entered a plea of guilty and the court imposed a fine of \$10.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., August 17, 1910.

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Issued September 9, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 563, FOOD AND DRUGS ACT.

### ADULTERATION OF COFFEE.

On or about January 11, 1908, Gustave R. Westfeldt and George C. Westfeldt, doing business under the firm name of Westfeldt Brothers, New Orleans, La., shipped from the State of Louisiana to the State of Tennessee eighty-four bags of coffee. Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said Westfeldt Brothers and the dealer from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Eastern District of Louisiana against the said Westfeldt Brothers, charging the above shipment and alleging that the coffee so shipped was adulterated, in that it was coated with lead chromate and some other poisonous and deleterious substance, to the informant unknown, which might have rendered, and did render, the said coffee injurious to health, and that the said external coating and addition of poisonous and deleterious ingredients was not used or intended as a preservative and was not of such a kind and was not applied externally, so that the same were necessarily removed mechanically or by maceration, in water or otherwise, and that no directions for removal of said poisonous and deleterious ingredients were printed on the said cover or package, said coffee when so shipped being ready for consumption.

Upon arraignment the defendants entered pleas of guilty to the above information, and the court imposed upon each of them a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., August 17, 1910.



Issued September 9, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 564, FOOD AND DRUGS ACT.

### MISBRANDING OF CANNED CORN.

On or about October 22, 1908, the Allen Brothers Company, Omaha, Nebr., shipped from the State of Nebraska to the State of Idaho one hundred and fifty cases of canned corn, each of said cases being labeled "2 doz. 2 lb. Golf Queen Sugar Corn packed by Ft. Des Moines Canning Company, Dexter, Iowa." Samples of this product were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture reported the facts to the United States attorney for the district of Idaho.

In due course a libel was filed in the District Court of the United States for said district against the said one hundred and fifty cases of canned corn, alleging that the product shipped as aforesaid was misbranded, in that the statement on the outside of the said cases and each thereof was not plainly and correctly stated in terms of weight as to the contents thereof, each of said cases being branded and labeled as above set forth, when in truth and in fact the contained units of said cases averaged only 24 ounces in weight as the combined weight of the can and contents. Thereupon the Fort Des Moines Canning Company entered its appearance and filed claim to the goods and, availing itself of the provisions of section 10 of the act, petitioned the court that the product be restored to it upon the execution and delivery by said company of a bond in the sum of two hundred dollars, conditioned that the product should not be sold or otherwise disposed of contrary to law. Said bond having been accepted by the court and the costs of the proceedings paid by said claimant, the court ordered the goods in question restored to it.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., August 17, 1910.



Issued September 9, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 565, FOOD AND DRUGS ACT.

### MISBRANDING OF OLIVE OIL.

On or about March 22, 1909, the Strohmeier & Arpe Company, a corporation, New York City, shipped from the State of New York to the State of Texas a consignment of food product labeled: "San Rocco brand Salad Oil, San Rocco Qualita Soprafina Marca, San Rocco (a compound) winter pressed cotton oil, flavored with pure Italian Olive Oil, packed in New York in compliance with the United States Pure Food Law, Olio, Marca, San Rocco."

Samples of this product were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said Strohmeier & Arpe Company and the dealer from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York, charging the above shipment and alleging that the product was misbranded, in that the words "San Rocco Brand Salad Oil" in said label were in large and prominent type, and the words "(a compound) winter pressed cotton oil, flavored with pure Italian Olive Oil, packed in New York in compliance with the United States Pure Food Law" in said label were in small type and not likely to be seen by the purchaser, the product thus being labeled in such a way as to deceive and mislead the purchaser into believing that the article was olive oil, whereas in truth and in fact it was not olive oil but cotton-seed oil.

Whereupon the defendant appeared and filed a motion to quash the above information, which motion was granted by the court on June 13, 1910, on the ground that the label above expressed would not mislead anyone of ordinary intelligence.

Decisions of United States Circuit and District Courts and United States Courts of Appeals, adverse to the Government, will not be considered final until acquiescence shall have been published.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

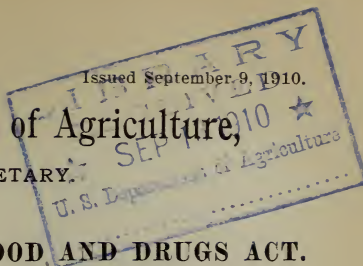
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *August 17, 1910.*



# United States Department of Agriculture

OFFICE OF THE SECRETARY



## NOTICE OF JUDGMENT NO. 566, FOOD AND DRUGS ACT.

### MISBRANDING OF NEUFCHATEL CHEESE.

On or about August 30, 1909, Walter A. Lawrence and Theodore F. Lawrence, doing business under the firm name of W. A. Lawrence & Son, Chester, N. Y., shipped from the State of New York into the State of Pennsylvania a consignment of a food product labeled "Cream Star Brand Neufchatel Cheese."

A sample from this shipment was procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture. As the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said W. A. Lawrence & Son and the dealer from whom the sample was procured were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York against the said W. A. Lawrence & Son, charging the above shipment and alleging that the product was misbranded, in that the aforesaid label was false and misleading, because it would indicate that the product was Neufchatel cheese, whereas, in truth and in fact, it was not Neufchatel cheese but a cottage cheese; whereupon said defendants demurred orally to the above information and at the argument of such demurrer there was submitted to the court a copy of the label in question. The court examined it carefully and stated that the word "Neufchatel" would not mislead anyone and it was difficult to see that said word was on the label until it was particularly pointed out, and therefore dismissed the above-mentioned information.

Decisions of United States Circuit and District Courts and United States Courts of Appeal will not be considered final until acquiescence shall have been published.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., August 17, 1910.





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 567, FOOD AND DRUGS ACT.

MISBRANDING OF PRESERVES.

On or about June 25, 1909, Joseph Middleby, jr., Incorporated, Boston, Mass., shipped from the State of Massachusetts into the State of Pennsylvania a quantity of a food product labeled "Lyon Brand Raspberry and Apple (Compound) Made from Raspberries 20%, Granulated Sugar 20%, Corn Syrup 45%, Apple Juice 15% Preserved with 1/10 of 1% Sodium Benzoate Artificially Colored Jos. Middleby, Jr., Inc., 337-347 Summer St., Boston, Mass. The Daylight Factory. Guaranteed by Jos. Middleby, Jr., Inc., under the Food and Drugs Act of June 30, 1906 Serial No. 1879."

A sample from this shipment was procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture. As the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Joseph Middleby, jr., Incorporated, and the party from whom the sample was procured were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence on which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the District of Massachusetts, charging the above shipment, and alleging that the product was misbranded, in that the statement appearing in the label above set forth that the product contained "Corn Syrup 45%" was false and misleading, because, in truth and in fact, the said product contained more than 45 per cent of corn syrup.

Upon arraignment the defendant entered a plea of guilty to the above information and the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., August 17, 1910.



## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

### NOTICE OF JUDGMENT NO. 568, FOOD AND DRUGS ACT.

#### MISBRANDING OF HEADACHE AND NEURALGIA CURE.

On or about November 24, 1909, The J. Maro Harriman Drug Company, a corporation, Lynn, Mass., shipped from the State of Massachusetts to the State of Michigan a quantity of a drug product labeled: "'Funny-how-quick' Headache and Neuralgia Cure A Sure and Quick Relief for all Headaches and Neuralgia Contains no Opium, Morphine or Antipyrine Does not stupefy but braces one up Will not cause a habit Guaranteed to cure or money refunded Dose. One Tablet and repeat in 1/2 hour or hour if needed Manufactured by the 'Funny-how-quick' Company, Box 485, Lynn, Mass. Price 10 cents Large Box 25 cents For sale by all druggists."

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture. As the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said J. Maro Harriman Drug Company and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence on which to base a prosecution.

In due course a criminal information was filed against the said J. Maro Harriman Drug Company in the District Court of the United States for the District of Massachusetts, charging the above shipment, and alleging that the product was misbranded, in that the label above quoted contained certain false and misleading statements, to wit: "'Funny-how-quick' Headache and Neuralgia Cure," whereas, in truth and in fact, the said drug was not a quick headache and neuralgia cure; "A sure and quick relief for all headaches and neuralgia," whereas, in truth and in fact, it was not a sure and quick relief for headaches and neuralgia; "Will not cause a habit," whereas, in truth and in fact, the said drug was a habit-forming drug; in that said

product contained acetanilid, and the amount and proportion of such acetanilid were not properly and correctly stated on the principal label of the containers of said drug product.

Upon arraignment the defendant entered a plea of nolo contendere and the court imposed a fine of \$25.

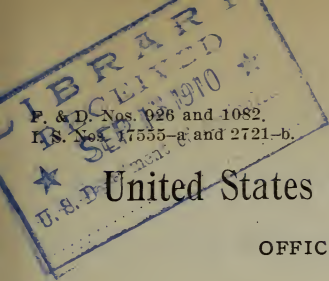
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *August 17, 1910.*





Issued September 9, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 569, FOOD AND DRUGS ACT.

### MISBRANDING OF A DRUG PRODUCT—HEADACHE POWDERS.

On or about January 27, 1909, J. F. Gearan, Boston, Mass., shipped from the State of Massachusetts to the State of Michigan, and on or about August 4, 1909, from the State of Massachusetts to the State of New Jersey, consignments of a drug product labeled "Headache Powders Each Powder contains Acetphenetidin 5 grains with other Pure and Efficient Ingredients Directions \* \* \* Price 10 cents Prepared for J. F. Gearan, Pharmacist Successor to Chas. Coleman, 48 Cambridge St., cor. Temple, Boston, Mass."

Samples from these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture. As the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said J. F. Gearan and the dealers from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence on which to base a prosecution.

In due course a criminal information was filed against the said J. F. Gearan in the District Court of the United States for the District of Massachusetts, charging the above shipments and alleging that the product contained in the first shipment was misbranded, in that the label thereon contained the false and misleading statement "Headache Powders Each Powder contains Acetphenetidin 5 grains," whereas, in truth and in fact, such powders did not contain 5 grains of acetphenetidin; and that the product contained in the second shipment was misbranded in that the product contained acetanilid and the container thereof failed to bear any statement of the quantity or proportion of said acetanilid present therein; and in that the statement in the label thereon "Headache Powders Each Powder contains Acetphenetidin 5 grains" was false and misleading,

because, in truth and in fact, each such powder did not contain 5 grains of acetphenetidin.

Upon arraignment the defendant entered a plea of nolo contendere and the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *August 17, 1910.*

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Issued October 11, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 570, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF VINEGAR.

On or about April 29, 1909, Henry Erdmann and George Erdmann, trading as H. Erdmann's Sons, Philadelphia, Pa., shipped from the State of Pennsylvania to the State of Delaware a consignment of vinegar labeled: "Purity Brand Old Stock Apple Cider Vinegar John T. Clark Co., Distributors, Wilmington, Del."

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said H. Erdmann's Sons and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Pennsylvania against the said H. Erdmann's Sons, charging the above shipment and alleging that the product so shipped was adulterated, in that each of the wooden packages in which said product was shipped contained certain substances, to wit, dilute acetic acid, and a foreign material high in reducing sugars, which had been substituted wholly or in part for the apple cider vinegar alleged in the label aforesaid to be contained therein; and in that the said product was artificially colored in a manner whereby its inferiority was concealed; and alleging the product to be misbranded, because the label above set forth was false and misleading in representing that the said packages contained pure apple cider vinegar, whereas, in truth and in fact, the contents of said packages were not pure apple cider vinegar, but a mixture of cider vinegar, dilute acetic acid, and a foreign material high in reducing sugars, colored in imitation of cider vinegar.

On March 17, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *August 20, 1910.*



# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 571, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF A DRUG—"SOEMNOFORM."

On or about March 31, 1909, Jacob F. Frantz, George H. Whiteley, Dean C. Osborne, and John R. Sheppard, trading as E. DeTrey & Sons, Philadelphia, Pa., shipped from the State of Pennsylvania to the District of Columbia a consignment of a drug product labeled: "Soemnoform. This mixture contains chloride of ethyl 60%, chloride of methyl 35%, bromide of ethyl 5% Guaranteed under the Food and Drugs Act of June 30, 1906 Serial No. 5700 \* \* \*."

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said E. DeTrey & Sons and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Pennsylvania against the said E. DeTrey & Sons, charging the above shipment and alleging that the product so shipped was adulterated, in that it did not contain, as part of its composition, "Bromide of ethyl 5%," nor, in fact, any bromide of ethyl, whereby its strength fell below the professed standard of quality under which it was sold; and alleging that the product was misbranded, in that the label above set forth was false and misleading, because it represented that the product contained "bromide of ethyl 5%," whereas, in truth and in fact, the said drug did not contain any bromide of ethyl.

On March 17, 1910, the defendants entered a plea of guilty and the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *August 20, 1910.*



United States Department of Agriculture,  
OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 572, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF GUM TRAGACANTH.

On or about September 3, 1909, The National Aniline and Chemical Company, a corporation of the Borough of Brooklyn, New York City, shipped from the State of New York to the State of New Jersey a quantity of a drug product labeled "Powdered Gum Tragacanth."

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said National Aniline and Chemical Company and the dealer from whom the samples were procured opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Eastern District of New York against the said National Aniline and Chemical Company, charging the above shipment and alleging that the product so shipped was adulterated, in that it differed from the standard of strength, quality, and purity of gum tragacanth as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation, and further alleging that said product was misbranded, in that it was sold and shipped under and by the name of "Powdered Gum Tragacanth" when in truth and in fact it was not "Powdered Gum Tragacanth" but a different article, to wit, "Powdered Indian Gum."

On June 1, 1910, the defendant entered a plea of guilty and the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., August 20, 1910.





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 573, FOOD AND DRUGS ACT.

### MISBRANDING OF HEADACHE TABLETS.

On or about January 27, 1909, the Howe Medicine Company, a corporation, Philadelphia, Pa., shipped from the State of Pennsylvania to the State of Michigan a quantity of a drug product labeled: "Howe's Headache Tablets;" on or about September 14, 1909, said company shipped a consignment of the same product from the State of Pennsylvania to the State of New Jersey; and on or about January 5, 1908, said company sold and delivered to a wholesale druggist in the same city a quantity of a drug product labeled: "Howe's Headache Treatment," and guaranteed by said Howe Medicine Company under the provisions of the Food and Drugs Act of June 30, 1906, said drug being thereafter shipped by said purchaser from the State of Pennsylvania to the State of New Jersey.

Samples from these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and reports thereon that the products were misbranded within the meaning of said Food and Drugs Act, the Secretary of Agriculture afforded the Howe Medicine Company and the dealers from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Pennsylvania against the said Howe Medicine Company, charging the above shipments, in the first, second, and third counts of said information, respectively, and alleging that the product contained in the first and second shipments was misbranded, because the labels thereon bore the following false and misleading statements: "Each tablet contains, in addition to other antidotes, one grain of acetanilid," whereas, in truth and in fact, the said drug contained more than one grain of acetanilid, to

wit, two grains, said acetanilid being an erratic, powerful, and injurious article; "One or two doses of Howe's Headache Treatment will relieve all headaches, neuralgia, or rheumatic headache, or in fact any form of headache," whereas, in truth and in fact, one or two doses of said preparation will not attain such results; "Howe's Tablets each a positive specific," whereas, in truth and in fact, the said drug is not a positive specific; "Howe's Headache Tablets to stop any kind of headache in 3 to 5 minutes," whereas, in truth and in fact, such drug would not stop any kind of headache in 3 to 5 minutes. The information further alleged, in the case of the third shipment, that the said defendant had by its guarantee aforesaid rendered itself liable to the pains and penalties to which the shipper would otherwise be amenable, and that the drug so guaranteed and shipped was misbranded because it contained a large quantity of acetanilid, to wit, upward of 60 per cent in each grain, which quantity or proportion of acetanilid was not declared on the label of said preparation; and was further misbranded by reason of the above quoted false and misleading statements appearing on the label thereof relative to its medicinal qualities.

On March 17, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$50.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *August 20, 1910.*

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Issued October 11, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 574, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF OLIVE OIL.

On or about February 11, 1909, Jacob Cusimano, Albert J. Cusimano, and Leon Tujague, trading as the Cusimano & Tujague Company, New Orleans, La., shipped from the State of Louisiana to the State of Texas a consignment of a food product labeled: "Olio Puro D'Oliva Garantito Torelli Brand Pure Olive Oil."

Samples of this product were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Cusimano & Tujague Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the above shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Eastern District of Louisiana against the said Cusimano & Tujague Company, charging the above shipment, and alleging that the product shipped as aforesaid was adulterated, in that there had been substituted for the genuine article—olive oil—another substance, to wit, cotton-seed oil, and in that there had been mixed and packed with the olive oil another substance, to wit, cotton-seed oil, so as to reduce, lower, and injuriously affect the quality and strength of the former, and alleging the product to be misbranded, in that the label above set forth was false and misleading, and such as to deceive and mislead the purchaser into believing the product to be pure olive oil, whereas in truth and in fact it was not pure olive oil, but was a mixture of olive oil and cotton-seed oil, in which cotton-seed oil was the larger and principal ingredient; in that the label on the article in question was meant and intended and calculated to convey, and did convey, the impression that the article was pure olive oil,

which was false, since the said article was a mixture of olive oil and cotton-seed oil; and in that said article was an imitation of and offered for sale under the distinctive name of another article, to wit, pure olive oil.

Upon arraignment the defendant company pleaded guilty and the court imposed a fine of \$10 and costs.

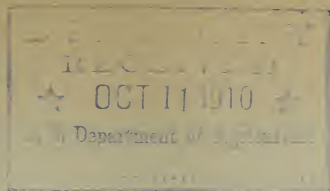
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *August 20, 1910.*

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F. & D. No. 550.  
I. S. No. 162-a.

Issued October 11, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 575, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF "PEROXIDE OF HYDROGEN."

On or about June 5, 1908, John W. James, doing business as Towns & James, New York City, shipped from the State of New York into the State of Massachusetts a consignment of a drug product labeled: "U. S. P.  $H_2O_2$ , Peroxide of Hydrogen. 3% Hydrogen Dioxide. Aq. Hydrogenii Dioxidi. U. S. P. warranted to be of full U. S. P. strength and purity. While it is perfectly stable under ordinary conditions, it is best kept in a cool dark place at a temperature not over 65 degrees F. Towns & James, New York. Guaranteed under the Food and Drugs Act of June 30, 1906. No. 466."

A sample from this shipment was procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture. As the findings of the analyst and report thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, said John W. James and the party from whom the sample was procured were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Eastern District of New York, charging the above shipment and alleging the product to be adulterated, in that it contained a certain percentage of acetanilid, which substance does not enter into the composition of peroxide of hydrogen, as provided in the United States Pharmacopœia, and alleging the said product to be misbranded, in that it was not stated upon the label above set forth that a substance known as "acetanilid" was a component part or ingredient of the drug product so shipped, whereas,

in truth and in fact said acetanilid was a component part of said product.

Whereupon John W. James, the defendant above named, appeared and filed a plea in bar of the above information in form and substance as follows:

UNITED STATES CIRCUIT COURT, EASTERN DISTRICT OF NEW YORK.

UNITED STATES

*vs.*

JOHN W. JAMES, doing business as Towns & James. }

The plea of John W. James, defendant, to the information of the United States filed May 24, 1909.

This defendant by protestation, not confessing or acknowledging all or any of the matters or things in the information mentioned to be true in the manner and form as the same are thereby set forth and alleged, doth plead thereto and for plea by leave of the Court first had and obtained says, that the said United States ought not to further prosecute the information against him, the said John W. James, because the said information is fatally defective in having failed to set forth the exception of the statute as set forth in Section 9 of the Food and Drugs Act of June 30, 1906.

Section 9 states as follows: "That no dealer shall be prosecuted under the provisions of this Act when he can establish a guarantee signed by the wholesaler, jobber, manufacturer or other party residing in the United States, from whom he purchased such articles to the effect that the same is not adulterated or misbranded within the meaning of this Act."

That the defendant, John W. James, has such a guarantee, as appears by the guarantees hereto annexed.

JOHN BENE

Manufacturing Chemist

HYDROGEN Solution of DIOXIDE

Hydrogen Peroxide

641-645 DEAN ST. near Vanderbilt Ave.,

Brooklyn, N. Y.

April 5, 1907.

Messrs. Towns & James,  
Brooklyn, N. Y.

Gentlemen:—

Your letter of the 3rd to hand and contents noted, and in reply, I am unable to supply you the Hydrogen Dioxide at a lower price than you are now paying. If you will figure that I am selling you the gallons at 60¢, the five pounds at 50¢ inclusive, and the one pounds at \$20.00 per gross inclusive, you will readily see that it is a very low price for a strictly U. S. P. Hydrogen Dioxide, guaranteed under the Food and Drugs Act.

Regarding the serial number I made application to Washington a few months ago, but my papers were returned as I had not properly filled out the form. The new form was sent a few days ago and I am expecting a serial number every day, and as soon as it arrives will let you know, so that you can use same on the Hydrogen Dioxide if you so desire.

Hoping this satisfactory, I remain,

Yours respectfully,

(Sgd.) John Bene.

Dic.

and on April 12, 1907, the further authorization to use such guarantee of serial number if he so desired:

JOHN BENE  
MANUFACTURING CHEMIST  
HYDROGEN Solution DIOXIDE,  
Hydrogen Peroxide  
Office & Laboratory  
641-645 Dean Str., nr. Vanderbilt Ave.  
Brooklyn, N. Y. April 12, 1907.

Messrs. Towns & James,  
Brooklyn, N. Y.

Gentlemen:

We received our serial number which is 8890, and will use it on all your orders for Hydrogen Dioxide in future which I trust will be satisfactory.

Yours respectfully,

(Sgd) John Bene.

Dic.

Further than that from December 7, 1906, to January 27, 1909 the defendant, John W. James, received a large number of invoices for the peroxide of Hydrogen used by them and shipped in a manner as set forth in the information, of which the following are samples:

JOHN BENE  
Manufacturing Chemist  
HYDROGEN SOLUTION OF DIOXIDE  
Hydrogen Peroxide  
Office & Laboratory  
641-645 Dean St. near Vanderbilt Ave.  
Brooklyn, N. Y., July 3, 1908.

Sold to Towns & James,

Terms 30 days net, 1 per cent ten days

Brooklyn, N. Y.

105 lbs. Hydrogen Dioxide, U. S. P. 3%, .05.....	5.25
1 boxed carboy.....	1.50

\$6.75

No. 8890—Guaranteed under  
the Food and Drugs Act,  
June 30, 1906.

John Bene,  
Borough of Brooklyn,  
New York.

JOHN BENE  
MANUFACTURING CHEMIST  
HYDROGEN Solution of  
Hydrogen Peroxide  
Office & Laboratory

DIOXIDE

641-645 Dean St., near Vanderbilt Ave.  
Brooklyn, N. Y. April 18, 1908

Sold to Towns & James,

Brooklyn, N. Y.

Terms 30 Days net, 1 per cent ten days.

12 gals. Hydrogen Dioxide, U. S. P. 3% .60.....	7.20
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\$7.20

No. 8890—Guaranteed under.

That the peroxide of hydrogen mentioned in the information and above set forth was purchased from the said John Bene, whose guarantee is also set forth above; that the said John Bene is a resident of the United States; that the defendant, John W. James,

has therefore complied with all the requirements of said Food and Drugs Act and is not liable under this information, all of which matters this defendant doth aver and plead in bar, and this defendant prays judgment that the information be dismissed and that he be discharged from custody.

Dated, New York, November 11, 1909.

Watson & Kristeller,  
Solicitors and Counsel  
for the defendant, John W. James,  
100 William St.,  
Manhattan, N. Y. City.

In answer to this plea the United States attorney for the district aforesaid filed the following demurrer:

UNITED STATES CIRCUIT COURT, EASTERN DISTRICT OF NEW YORK.

UNITED STATES	}
vs.	
JOHN W. JAMES, doing business as Towns and James.	

The United States of America by protestation and not acknowledging or admitting all or any of the matters or things set forth in the Plea in Bar filed by the defendant herein, demurs to the said Plea in Bar on the following grounds:

First: That it is not sufficient in form and contents as a Plea in Bar to the information of the United States filed herein.

Second: That the statements set forth in the said Plea in Bar are mere matters of proof, and not proper nor available as a plea to the information.

Third: That the matters set forth in the said Plea in Bar are not a good and proper defense under the statute as made and provided.

Fourth: That the matters set forth in the said Plea in Bar do not constitute a proper plea.

Fifth: That the facts as stated and alleged in the defendant's Plea in Bar, if admitted, would not constitute a defense or effective plea herein.

Sixth: Wherefore, the United States asks that the said Plea in Bar be overruled, and the defendant be required to plead over to the information.

Dated, Brooklyn, New York,  
the 17th day of November,  
nineteen hundred and nine.

(Signed) Wm. J. YOUNGS,  
United States Attorney,  
Eastern District of New York,  
Office & P. O. Address, Federal  
Building, Brooklyn, New York.

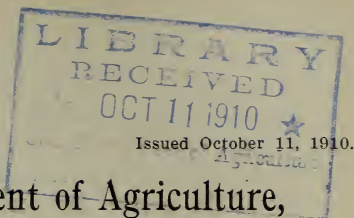
Said plea and demurrer coming up for hearing, the court, after hearing arguments of counsel, entered the following order: "This demurrer admits the allegations of the plea, which seems to be sufficient under section 9. The plea, therefore, must be sustained and the information dismissed. Thomas I. Chatfield, U. S. D. J."

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., August 20, 1910.

F. & D. Nos. 781, 1093, and 1239.  
I. S. Nos. 18494-a, 8419-b, and 9791-b.



## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 576, FOOD AND DRUGS ACT.

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#### MISBRANDING OF NEUFCHATEL CHEESE.

On or about March 22, 1909, the Phenix Cheese Company, a corporation, New York City, shipped from the State of New York to the District of Columbia a consignment of cheese labeled "Domestic Neufchatel Cheese (Trade Mark) Reg. U. S. Pat. Off. Crescent Brand Made in State of New York from partly skimmed milk"; on September 9, 1909, said company shipped from the State of New York to the State of Pennsylvania a consignment of cheese labeled "Domestic Neufchatel Cheese (Trade Mark) Reg. U. S. Pat. Off. Excelsior Brand Made in State of New York"; and on October 22, 1909, said company shipped from the State of New York to the District of Columbia a quantity of cheese labeled "Neufchatel Cheese Crescent Brand (Trade Mark) Strictly Pure." Samples from these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the products were misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said Phenix Cheese Company and the dealers from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York against the said Phenix Cheese Company, charging the above shipments in the first, second, and third counts, respectively, of said information and alleging that the product was misbranded in the

case of each of said shipments, in that the labels above set forth purported that the food in the packages bearing said labels was a foreign product, when in truth and in fact the food contained in said packages and labeled as aforesaid was not a foreign product but a domestic product. Whereupon the defendant entered its appearance and demurred to the first and second counts of said information, and on June 13, 1910, the court, after hearing arguments of counsel, sustained said demurrer, and on July 2, 1910, the United States attorney, in view of the court's decision as to counts 1 and 2, moved that the third count be nolle prossed, which order was entered by the court.

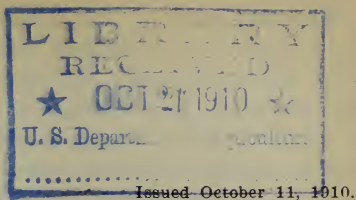
Decisions of United States circuit and district courts and United States circuit courts of appeal adverse to the Government will not be considered final until acquiescence shall have been published.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *August 27, 1910.*

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## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 577, FOOD AND DRUGS ACT.

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#### ADULTERATION OF OLIVES.

On or about March 2 and March 15, 1910, F. G. Favalora, New Orleans, La., imported from the Kingdom of Italy to said city 34 kegs of olives. An examination of samples of this product made under the direction of the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the above examination that the said shipment was liable to seizure under section 10 of the act, the facts were reported to the United States attorney for the Eastern District of Louisiana.

In due course a libel was filed in the District Court of the United States for said district against the said 34 kegs of olives, charging the above shipment and alleging the product to be adulterated, in that said olives consisted in whole or in part of filthy, decomposed vegetable substances.

On July 10, 1910, the said F. G. Favalora intervened as owner of the product in question, admitted that the olives were wormy and consisted in whole or in part of a filthy and decomposed vegetable substance, and consented to a judgment of condemnation of the product, petitioning the court that, inasmuch as the product had not been finally released by the customs officers and could be sold for the purpose of manufacturing olive oil for manufacturing and mechanical purposes, said olives be released to the claimant upon payment by him of the costs of these proceedings and upon the execution and delivery of a good and sufficient bond conditioned that said product should not be sold or otherwise disposed of in violation of law.

The case coming on for hearing, the court, being fully informed in the premises, issued its decree sustaining the allegations of the libel above set forth and condemning the above-mentioned olives and ordering their destruction, with a proviso, however, that in the event of the above claimant paying all the costs of these proceedings and executing and delivering a bond in the penal sum of \$110, conditioned that said olives and all products thereof so seized should not be sold or disposed of in any manner contrary to the provisions of said act approved June 30, 1906, and conditioned further that the said olives and all by-products thereof should not be used for human consumption and should be shipped back to Palermo, Italy, then the said marshal should redeliver and surrender the said olives to the above claimant in lieu of their destruction.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *August 27, 1910.*

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# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 578, FOOD AND DRUGS ACT.

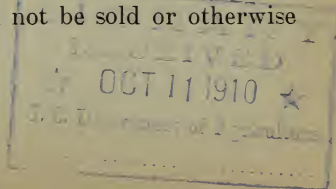
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#### ADULTERATION OF OLIVES.

On or about February 23, 1910, the Cusimano & Tujague Company, New Orleans, La., imported from the Kingdom of Italy to said city 104 kegs of olives. An examination of samples of this product made under the direction of the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the above examination that the said shipment was liable to seizure under section 10 of the act, the facts were reported to the United States attorney for the Eastern District of Louisiana.

In due course a libel was filed in the District Court of the United States for said district against the said 104 kegs of olives, charging the above shipment and alleging the product to be adulterated, in that said olives consisted in whole or in part of filthy, decomposed vegetable substances.

On July 10, 1910, the said Cusimano & Tujague Company intervened, claiming to be the sole owner of the product in question, admitting that the olives were wormy and consisted in whole or in part of a filthy and decomposed vegetable substance, and consenting to a judgment of condemnation of the product and petitioning the court that, inasmuch as the product had not been finally released by the customs officers and could be sold for the purpose of manufacturing olive oil for manufacturing and mechanical purposes, said olives be released to the claimant upon payment of the costs of these proceedings and upon the execution and delivery of a good and sufficient bond conditioned that said product should not be sold or otherwise disposed of in violation of law.



The case coming on for hearing, the court, being fully informed in the premises, issued its decree sustaining the allegation of the libel above set forth and condemning the above-mentioned olives and ordering their destruction, with a proviso, however, that in the event of the above claimant paying all the costs of these proceedings and executing and delivering a bond in the penal sum of \$500, conditioned that said olives and all products thereof so seized should not be sold or disposed of in any manner contrary to the provisions of said act approved June 30, 1906, and conditioned further that the said olives and all by-products thereof should not be used for human consumption and should be shipped back to Palermo, Italy, then the said marshal should redeliver and surrender the said olives to the above claimant in lieu of their destruction.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *August 27, 1910.*

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 579, FOOD AND DRUGS ACT.

### MISBRANDING OF RICE MEAL.

On or about February 24, 1909, the West Point Mill Company, a corporation, Charleston, S. C., shipped from the State of South Carolina to the State of North Carolina a quantity of food product labeled: "Carolina Rice Meal, West Point Mill Co., Charleston, S. C. Protein 11.15, fat 9.25, crude fiber 7.50."

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said West Point Mill Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of South Carolina against said West Point Mill Company, charging the above shipment and alleging that the product was misbranded, in that the numerals in the label above set forth indicated the percentages of the ingredients after which they were written as constituents of the product in question, and that the percentage of protein therein did not amount to 11.15, but was only 9.72; in that the percentage of fat in said product did not amount to 9.25, but was only 7.69; and in that the percentage of crude fiber in said product was not 7.50, but was a larger amount, to wit, 9.98.

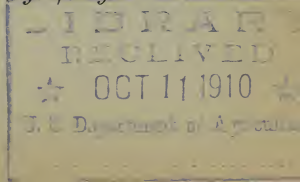
On January 18, 1910, the defendant appeared, by its president, and entered a plea of guilty to the above information, whereupon the court imposed a fine of \$50.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., August 27, 1910.





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 580, FOOD AND DRUGS ACT.

### MISBRANDING OF SUGAR-GLUCOSE JELLY.

On or about August 10, 1909, The H. A. Johnson Company, a corporation, Boston, Mass., shipped from the State of Massachusetts to the State of New York a quantity of preserves labeled: "H. A. Johnson Co., Boston. 'Johnson Made' XXX Sugar-Glucose Jelly Compound. Refined Sugar 30%; Apple Juice 50%; Corn Syrup 20%," and "Buffalo Brand Pie Filling. Henry J. Walz, Buffalo, N. Y."

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said H. A. Johnson Company and the party from whom samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the District of Massachusetts against the said H. A. Johnson Company, charging the above shipment and alleging that the product so shipped was misbranded, in that the label above set forth contained the false and misleading statement "corn syrup 20%," when in truth and in fact said article of food contained more than 20 per cent of corn syrup, and further, in that there appeared on the containers of said food labels bearing the words "Henry J. Walz" in such a manner as to lead the purchaser to believe that said food was manufactured by said Henry J. Walz, when in truth and in fact it was not manufactured by him.

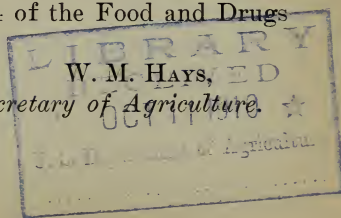
On May 9, 1910, the defendant appeared by Edward C. Johnson, its vice-president, and entered a plea of nolo contendere, whereupon the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

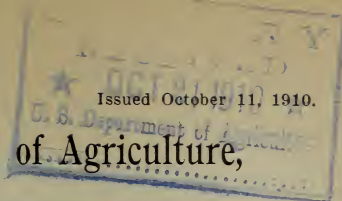
WASHINGTON, D. C., August 27, 1910.

*Acting Secretary of Agriculture.*

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# United States Department of Agriculture,

· OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 581, FOOD AND DRUGS ACT.

### MISBRANDING OF PRESERVES.

On or about September 3, 1909, Hiram H. Logan and Thomas V. L. Johnson, copartners, under the firm name of Logan, Johnson & Co., Boston, Mass., shipped from the State of Massachusetts to the State of New York a quantity of preserves labeled: "Logan, Johnson & Co., Boston, Mass. Ideal Raspberry Apple Artificially Colored. Compound Raspberry 35%; Apple 20%, Corn Syrup 30%, Gran. Sugar 15%; Sodium Benzoate 1/10 of 1%."

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Logan, Johnson & Co. and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the District of Massachusetts against the said Logan, Johnson & Co., charging the above shipment and alleging that the product so shipped was misbranded, in that the label above set forth was false and misleading in the statement that the product contained "corn syrup 30%," for the reason that it contained more than 30 per cent of corn syrup.

Upon arraignment defendant Hiram H. Logan appeared and entered a plea of guilty to the above information and the court imposed a fine of \$25; said information being placed on file as to the other defendant, Thomas V. L. Johnson.

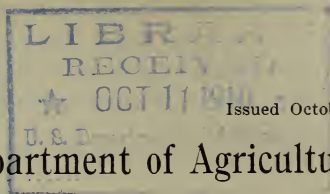
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., August 27, 1910.





Issued October 11, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 582, FOOD AND DRUGS ACT.

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#### ADULTERATION AND MISBRANDING OF OATS.

On or about May 19, 1909, Levi F. Miller, John E. Miller, Harvey C. Miller, and Morris F. Miller, trading as L. F. Miller & Sons, Philadelphia, Pa., shipped from the State of Pennsylvania to the State of Florida a consignment of a food product contained in sacks, which were each labeled: "Miller's Fancy Clipped White Oats 100 lbs. Consolidated Grocery Co., Tampa, Fla."

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said L. F. Miller & Sons and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Pennsylvania against said L. F. Miller & Sons, charging the above shipment and alleging that the product was adulterated, in that barley, chaff, and miscellaneous seeds had been substituted in part for the article of food, to wit, white oats, which the said package purported to contain; and alleging the product to be misbranded, in that it was offered for sale under the distinctive name of "White Oats," the labels above set forth purporting the total and true contents of said sacks to be white

oats, whereas, in truth and in fact, the said sacks contained a large quantity, to wit, 18 per cent, of other substances than white oats, to wit, barley, chaff, and miscellaneous seeds.

On June 24, 1910, the above-mentioned defendants pleaded guilty to the above information and the court imposed a joint fine of \$100.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *August 27, 1910.*



# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 583, FOOD AND DRUGS ACT.

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### MISBRANDING OF ASAFETIDA.

On or about January 21, 1909, Albert Bruen, William P. Ritchey, and Charles C. Bruen, doing business under the firm name of Bruen, Ritchey & Co., New York City, shipped from the State of New York to the State of New Jersey a quantity of a drug product contained in a package labeled: "Gum Asafetida (Fœtida ferula) 1 pound Bruen, Ritchey & Co., New York Guaranteed under the Food and Drugs Act, June 30, 1906 Serial No. 1063."

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Bruen, Ritchey & Co. and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York against the said Bruen, Ritchey & Co., charging the above shipment and alleging that the product was misbranded, in that the label above set forth was false and misleading because it represented the product to be "asafetida" when, as a matter of fact, it contained much foreign material.

On April 5, 1910, the defendants entered a plea of guilty to the above information and the court imposed a fine of \$50.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., August 27, 1910.



# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 584, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF VINEGAR.

On or about August 27, 1909, Board, Armstrong & Co., Alexandria, Va., shipped from the State of Virginia to the State of Pennsylvania 90 barrels of vinegar labeled "Board, Armstrong & Co. White House Brand Pure Apple Cider Vinegar, Alexandria and Winchester, Va." Analysis of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Pennsylvania.

On September 24, 1909, a libel was filed in the District Court of the United States for said district against the said 90 barrels of vinegar, charging the above shipment and alleging the product so shipped to be adulterated and misbranded, in that it was not a pure cider vinegar as represented in the label above set forth but was a mixture of acetic acid or distilled vinegar and a foreign material high in reducing sugars, prepared in imitation of pure cider vinegar, and praying seizure and condemnation of the product.

On May 25, 1910, said Board, Armstrong & Co. filed a claim to the vinegar in question and on the same day the cause came on for hearing, and the court being fully informed in the premises, issued its decree finding the product to be adulterated and misbranded, and ordering that, in consideration of the fact that the costs of these proceedings had been paid, and that a good and sufficient bond had been executed and delivered to the marshal of said district, conditioned that the said vinegar should not be sold or otherwise disposed of in violation of law, said marshal should deliver the seventy-five barrels of said vinegar seized by him in these proceedings to said Board, Armstrong & Co., to be disposed of in accordance with the provisions of the above-mentioned act, said order being made without prejudice to the rights of Board, Armstrong & Co. in so far as

said barrels of vinegar might be involved in, or be the basis of, the proceedings brought by the United States of America against said Board, Armstrong & Co. in the United States District Court for the Eastern District of Virginia under section 2 of said act and without prejudice to the rights of said Board, Armstrong & Co. to set up and use any defense that they might have in such proceedings.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture*

WASHINGTON, D. C., *November 2, 1910.*

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

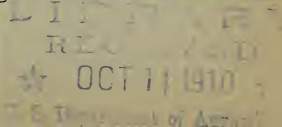
### NOTICE OF JUDGMENT NO. 585, FOOD AND DRUGS ACT.

#### ADULTERATION AND MISBRANDING OF LEMON EXTRACT.

On or about January 7, 1909, the Knoxville Drug Company, a corporation, Knoxville, Tenn., with J. L. Lowe as its general manager, shipped from the State of Tennessee into the State of North Carolina a consignment of a food product labeled "Star Extract Lemon. Knoxville Drug Co., Manufacturing Druggists, Knoxville, Tenn." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Knoxville Drug Company and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Tennessee against the said Knoxville Drug Company and its general manager, the said J. L. Lowe, charging the above shipment and alleging that the product so shipped was adulterated, in that a dilute extract of lemon had been substituted wholly or in part for the article itself, and in that it was colored with a coal-tar dye in a manner whereby damage and inferiority were concealed, and alleging that the product was misbranded, in that the label above set forth represented the product to be an extract of lemon, whereas it was only a weak dilution of extract of lemon, falling very far below the standard of strength required in a normal extract of lemon.

On January 12, 1910, the defendant J. L. Lowe, representing himself and said Knoxville Drug Company, came before the court and submitted to the charges made against him and the said company in the above information, and after hearing the statements of



the defendant Lowe and of the United States attorney for said district touching said charges, the court imposed a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 9, 1910.*

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# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

### NOTICE OF JUDGMENT NO. 586, FOOD AND DRUGS ACT.

#### ADULTERATION OF MILK AND CREAM.

On or about March 23, 1909, John Fisher, Newport, Ky., shipped from the State of Kentucky into the State of Ohio six cans of milk and one can of cream. Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the products were adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said John Fisher and the party from whom the samples were purchased opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Kentucky charging the above shipment and alleging that the products so shipped were adulterated, in that the milk contained a filthy, decomposed, and putrid animal substance and had been skimmed and a large portion of the fat removed therefrom, and alleging that the cream so shipped was adulterated, in that it contained a filthy, decomposed, and putrid animal substance, and also a coloring matter known as "annatto."

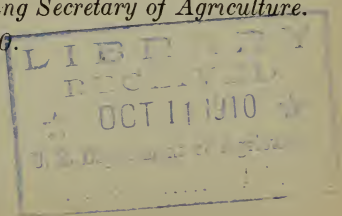
Upon arraignment the defendant entered a plea of guilty to the above information and the court imposed a fine of \$15.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., September 9, 1910.





# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

### NOTICE OF JUDGMENT NO. 587, FOOD AND DRUGS ACT.

#### ADULTERATION OF MILK.

On or about March 23, 1909, Edward J. Nestley and Chris Nestley, partners, doing business under the firm name of Nestley Brothers, Newport, Ky., shipped from the State of Kentucky into the State of Ohio a quantity of milk. Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Nestley Brothers and the dealer from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Kentucky against the said Nestley Brothers, charging the above shipment and alleging that the product so shipped was adulterated, in that it contained an excessive amount of bacteria and much filthy, decomposed, and putrid animal or vegetable substance.

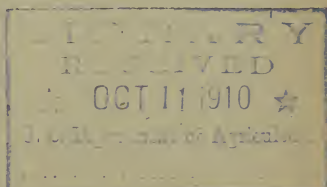
Upon arraignment the defendants entered a plea of guilty and the court imposed a fine of \$15.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 9, 1910.*





Issued October 11, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 588, FOOD AND DRUGS ACT.

### ADULTERATION OF MILK.

On or about March 24, 1909, W. H. Perry, Devon, Ky., shipped from the State of Kentucky into the State of Ohio a consignment of milk. Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said W. H. Perry and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Kentucky against the said W. H. Perry, charging the above shipment and alleging that the product so shipped was adulterated, in that a substance, to wit, water, had been mixed and packed with said article of food so as to reduce and lower and injuriously affect its quality and strength, and in that a substance, to wit, water, had been substituted in part for said article of food.

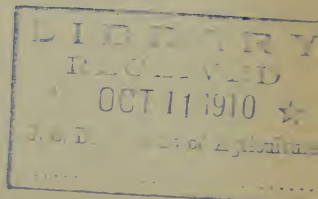
Upon arraignment the defendant entered a plea of not guilty to the above information and trial being had upon the issues, the jury returned a verdict of not guilty.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., September 9, 1910.





Issued October 11, 1910.

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

### NOTICE OF JUDGMENT NO. 589, FOOD AND DRUGS ACT.

#### MISBRANDING OF DRIED APRICOTS.

On or about November 24, 1909, the Simon Levi Company, a corporation, Los Angeles, Cal., shipped from the State of California to the Territory of Arizona a quantity of a food product contained in paper boxes which were each labeled "One Pound Santa Ysabel Brand Apricots, Simon Levi Co., Los Angeles, and San Diego, Cal." Samples from this shipment were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Simon Levi Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Southern District of California against the said Simon Levi Company, charging the above shipment and alleging that the product so shipped was misbranded, in that the label above set forth was false and misleading and calculated to deceive purchasers into the belief that the said packages and each of them contained one pound of apricots, when in truth and in fact the said packages and each of them contained only 14 ounces, approximately, of apricots.

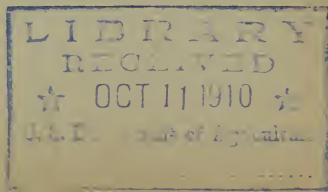
On July 12, 1910, the defendant entered a plea of guilty and the court imposed a fine of \$1.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., September 9, 1910.





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 590, FOOD AND DRUGS ACT.

### ADULTERATION OF MILK.

On or about June 22, 1910, Albert Mack, Lewinsville, Va., sold and delivered at the Union Station, Washington, D. C., a quantity of milk. Dr. William C. Woodward, health officer of the District of Columbia, acting under authority of the Secretary of Agriculture, caused a sample of this product to be procured and analyzed. As it appeared from the findings of the analyst and report made that the milk was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said Albert Mack was afforded an opportunity to be heard, and as it appeared after the said hearing that this sale was made in violation of the act, the said health officer reported the facts to the United States attorney for the District of Columbia.

In due course a criminal information was filed in the Police Court of the District of Columbia against the said Albert Mack, charging that said milk was adulterated, in that water had been mixed and packed with it in a manner so as to reduce and lower the quality of said milk.

On July 20, 1910, the defendant entered a plea of guilty and the court imposed a fine of \$20.

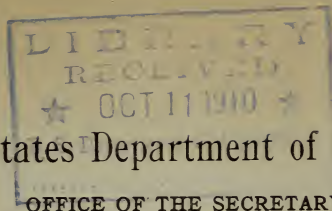
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 9, 1910.*

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Issued October 11, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 591, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF MAPLE SYRUP.

On or about June 21, 1907, W. B. Glafke Company, a corporation, Portland, Oreg., shipped from the State of Oregon into the State of Washington a consignment of a food product labeled "Towle's Log Cabin Maple Syrup." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said W. B. Glafke Company and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the District of Oregon against the said W. B. Glafke Company, charging the above shipment and alleging that the product so shipped was adulterated, in that a quantity of cane-sugar syrup had been mixed and packed therewith so as to reduce and injuriously affect the quality and strength of the article and thereby substitute cane sugar in part for maple syrup, and alleging that the product was misbranded in that the label above set forth was false and misleading and calculated to and would deceive and mislead intending purchasers of said syrup.

On June 18, 1909, the defendant appeared by W. B. Glafke, its president, and entered a plea of guilty to the above information, whereupon the court imposed a fine of \$25 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 9, 1910.*

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# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

### NOTICE OF JUDGMENT NO. 592, FOOD AND DRUGS ACT.

#### ADULTERATION AND MISBRANDING OF PEACH BUTTER.

On or about April 25, 1908, the S. J. Van Lill Company, Baltimore, Md., shipped from the State of Maryland to the State of West Virginia 288 packages of a food product labeled "Peach Butter. Made with choice peaches, granulated sugar, apple juice, phosphoric acid. Preserved with one-tenth of one per cent of benzoate of sodium. Prepared by S. J. Van Lill Company, Baltimore, Md. Astoria Brand." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said S. J. Van Lill Company and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the District of Maryland against the said S. J. Van Lill Company, charging the above shipment and alleging that the product so shipped was adulterated, in that a certain substance, to wit, glucose, had been substituted in part for the said peach butter; and alleging the product to be misbranded, in that the label above set forth was false and misleading because, in addition to the ingredients set out in said label, the product also contained glucose and a greater amount of benzoate of sodium than the one-tenth of one per cent which said label represented it to contain.

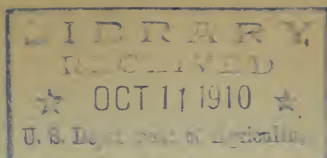
On May 9, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 9, 1910.*





# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 593, FOOD AND DRUGS ACT.

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#### MISBRANDING OF CIDER VINEGAR.

On or about March 31, 1908, the O. L. Gregory Vinegar Company, a corporation, Birmingham, Ala., shipped from the State of Alabama to the State of Georgia one cask of a food product labeled "Elko brand cider vinegar, guaranteed under the pure food law, bottled by O. L. Gregory, Birmingham, Ala." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said O. L. Gregory Vinegar Company and the party from whom the sample was procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Northern District of Alabama against the said O. L. Gregory Vinegar Company, charging the above shipment and alleging that the product so shipped was misbranded, because the label above set forth was false and misleading, in that the product in question contained unfermented apple juice and coloring matter, and the said label did not disclose the presence of said unfermented apple juice and coloring matter.

On March 8, 1910, the defendant entered a plea of guilty and the court imposed a fine of \$25 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

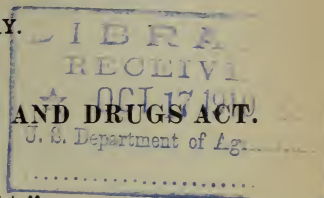
WASHINGTON, D. C., *September 9, 1910.*



# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 594, FOOD AND DRUGS ACT.



### MISBRANDING OF "WISEOLA."

(SOFT DRINK CONTAINING COCAINE.)

On or about October 16, 1908, the Wiseola Company, a corporation, Birmingham, Ala., shipped from the State of Alabama to the State of Louisiana a consignment of a food product labeled "Wiseola." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said Wiseola Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Northern District of Alabama against the said Wiseola Company, charging the above shipment and alleging that the product so shipped was misbranded, in that it contained cocaine, and the package containing said product failed to bear a statement on the label of the quantity or proportion of cocaine contained therein.

On March 2, 1910, the defendant entered a plea of guilty and the court imposed a fine of \$25 and costs.

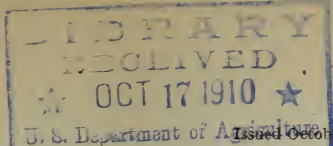
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 9, 1910.*





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 595, FOOD AND DRUGS ACT.

### MISBRANDING OF WHISKY.

On or about December 18, 1908, William Lanahan & Sons, Baltimore, Md., shipped from the State of Maryland to the State of Louisiana 20 barrels of whisky labeled "Maryland Monogram Rye Whisky." An examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed that it was misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Louisiana.

In due course a libel was filed in the District Court of the United States for said district against the said 20 barrels of whisky, charging the above shipment and alleging that the product so shipped was misbranded because the labels above set forth were false and misleading in that they stated that the said 20 barrels contained straight whisky, when in truth and in fact the contents of said barrels were a rectified article compounded with grain distillate and not straight whisky at all, and praying seizure, condemnation, and forfeiture of the product. Thereupon Julius Groetsch, New Orleans, La., intervened and filed his claim and answer alleging himself to be the true and bona fide owner of the above mentioned barrels of whisky, and admitting the misbranding of the product as alleged in the libel above set forth.

The case coming on for hearing the court, considering the answer and admission filed therein, and being fully informed in the premises, issued its decree finding the whisky aforesaid to be misbranded and condemning same, with the proviso, however, that upon the payment of the costs of these proceedings by the claimant and the furnishing by him of a bond in the sum of \$1,000 conditioned that said whisky should not be disposed of contrary to law, that said whisky be delivered to him. Said costs having been paid and bond furnished by the above mentioned claimant as provided in said decree, the product

was forthwith delivered to him. This decree was rendered prior to the issuing of Food Inspection Decision 113, which revoked Food Inspection Decisions 45, 65, 95 and 98, relative to the labeling of whisky.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 9, 1910.*



# United States Department of Agriculture,

OFFICE OF THE SECRETARY.....

## NOTICE OF JUDGMENT NO. 596, FOOD AND DRUGS ACT.

### ADULTERATION OF RAISINS.

On or about May 1, 1909, the J. K. Armsby Company, Woodlands, Cal., shipped from the State of California to the State of Texas 600 cases of raisins, 400 of which were labeled: "50 lbs. 3 Crown Net California Loose Muscatel Raisins. Packed by the J. K. Armsby Co., Woodlands, California," and 200 of which were labeled: "50 Lbs. 2 Crown Net California Loose Muscatel Raisins. Packed by the J. K. Armsby Co., Woodlands, California." An examination of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report thereon that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Texas.

In due course a libel was filed in the District Court of the United States for the said district against the said 600 cases of raisins, charging the above shipment and alleging that the products so shipped were adulterated, in that they consisted in part of a filthy and decomposed vegetable substance, and praying seizure and condemnation of the product.

Thereupon W. B. Walker & Sons, Austin, Tex., entered their appearance and filed a claim to the product in question. The case came on for hearing, and a jury having been waived, the case was tried by the court, which issued its decree finding that a certain part of the above mentioned raisins consisted of a filthy and decomposed vegetable substance, and condemning and forfeiting the product to the United States, with the proviso, however, that the marshal of said district should deliver said raisins to the claimants, in lieu of the destruction thereof, upon the payment by said claimants of all the costs in these proceedings and the execution and delivery of a good and sufficient bond in the sum of \$900 conditioned that the said cases of raisins with their contents be immediately placed in a good merchantable

condition so as to be salable without violating any of the provisions of the Food and Drugs Act, that the said claimants submit a sample to the Department of Agriculture at Washington for inspection before offering any of said raisins for sale, that all of said raisins which might be found to consist of filthy and decomposed vegetable substance and unfit for food be destroyed, and that none of said raisins be sold or otherwise disposed of contrary to law.

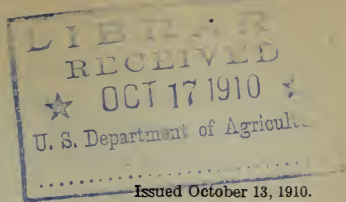
The costs having been paid and bond furnished by claimants in accordance with the terms of the above decree, the raisins aforesaid were forthwith delivered to them.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 9, 1910.*





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 597, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF VINEGAR.

On or about May 26, 1909, The Southern Fruit Produce Company, Rogers, Ark., shipped from the State of Arkansas into the State of Texas 60 barrels and 2 half-barrels of vinegar labeled, "The Southern Fruit Produce Co. Blue Ribbon Brand Apple Cider Vinegar." Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the above examination that the shipment was liable to seizure under section 10 of the act, the facts were reported to the United States attorney for the Eastern District of Texas.

In due course a libel was filed in the District Court of the United States for said district against the said 60 barrels and 2 half-barrels of vinegar, charging the above shipment and alleging that the product so shipped was adulterated, in that it was an imitation of cider vinegar and that the adulterated substance had been wholly substituted in said barrels and half-barrels for apple cider vinegar, and alleging the product to be misbranded because the barrels and half-barrels labeled as aforesaid did not contain apple cider vinegar but an imitation thereof, artificially colored and mixed with a material high in reducing sugars.

Thereupon O. L. Gregory appeared and filed an answer, claiming to be the owner of the goods in question and admitting that said product was adulterated and misbranded as alleged in the above libel, whereupon the court, being fully informed in the premises, entered its decree finding said vinegar adulterated and misbranded as alleged in said libel, and forfeiting and confiscating the same to the United States, with the proviso, however, that should said claimant pay all the costs of these proceedings and execute and deliver within thirty

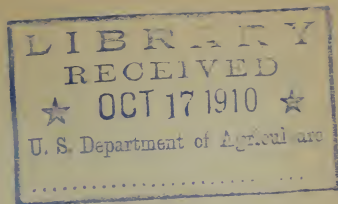
days a good and sufficient bond conditioned that said claimant should not dispose of said vinegar in violation of law, the product should be surrendered to him. The costs were paid and bond in the sum of \$500 was furnished by claimant, conditioned as required by the above decree.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 9, 1910.*

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F. & D. No. 1414.  
I. S. No. 15588-b.

Issued October 13, 1910.

## United States Department of Agriculture, OFFICE OF THE SECRETARY.

### NOTICE OF JUDGMENT NO. 598, FOOD AND DRUGS ACT.

#### MISBRANDING OF A DRUG COMPOUND—ELIXIR OF COD-LIVER OIL.

On or about September 17, 1909, October 22, 1909, and January 26, 1910, Frederick F. Ingram & Co., a corporation, Detroit, Mich., shipped from the State of Michigan into the District of Columbia three consignments, each containing one gross bottles of a drug product labeled "Our Compound Elixir of Cod Liver Oil. The active and medicinal principles of Cod Liver Oil, Morrhual, Butylamine, Amylamine, Iodine, Bromine and Phosphorus, combined with Fl. Extract Wild Cherry Bark, and the Hypophosphites of Sodium, Calcium, Potassium, Manganese, Iron, Quinine and Strychnine. \* \* \* Distributed by the People's Pharmacy, M. G. Gibbs, Mgr. 824 Seventh St. N. W., Washington, D. C."

Samples of these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Frederick Ingram & Co. and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Michigan against the said Frederick F. Ingram & Co., charging the above shipments and alleging that the product so shipped was misbranded in that the label thereon contained the following false and misleading statements: "Contains Norwegian Cod Liver Oil, as represented by its active medicinal ingredients in combination with the Hypo-

phosphites \* \* \*", because an analysis failed to disclose the presence of any cod-liver oil or of the active medicinal principles thereof; "It enriches the blood," "successfully used in the treatment of Pulmonary Consumption, preventing rapid waste and maintaining the general health of the patient," because said statements convey the impression that the preparation is capable of enriching the blood by reason of the presence of the nutritious properties of cod-liver oil in combination with the other substances named, whereas an analysis fails to show the presence of any of the nutritious qualities of cod-liver oil, and the said preparation has no properties capable of preventing rapid waste or of maintaining the general health of the patient under the conditions named; "Especially valuable in severe pulmonary complaints," because it is in effect a claim that this compound has an especial curative value in the treatment of pulmonary affections, whereas the said compound has no curative value in the treatment of said affections; "replacing with advantage cod liver oil emulsion," because it conveys the impression that the preparation possesses the equivalent of the medicinal and nutritive qualities found in cod-liver oil, whereas said analysis fails to disclose the presence of these properties in said preparation.

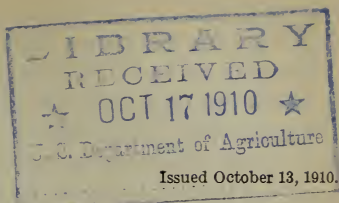
Upon arraignment the defendant entered a plea of nolo contendere and the court imposed a fine of \$5.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 9, 1910.*

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## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 599, FOOD AND DRUGS ACT.

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#### ADULTERATION AND MISBRANDING OF TOMATO CATSUP.

On or about March 4, 1910, Alart & McGuire, New York, N. Y., shipped from the State of New York to the State of Louisiana 124 cases, each containing 24 bottles of catsup, each of which bottles were labeled "Hottentot catsup—only the purest ingredients used in this mixture, absolutely guaranteed—Serial No. 1281—packed by Alart and McGuire, New York, N. Y."; and 15 barrels of tomato catsup, each of which was labeled "Extra Spiced O. K. Catsup, Alart & McGuire, New York, N. Y. 1/10th of 1 per cent of benzoate of soda used as preservative." Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the above examination that the shipment was liable to seizure under section 10 of the act, the facts were reported to the United States attorney for the Eastern District of Louisiana.

In due course libels were filed in the District Court of the United States for said district against the said 125 cases and 15 barrels of catsup, charging the above shipment and alleging that the products so shipped were adulterated in that they consisted in whole or in part of filthy, decomposed, and putrid vegetable substances; that the catsup contained in the bottles above referred to was misbranded in that the labels thereon above set forth are false and misleading in the statement that only the purest ingredients are used in said catsup, when in truth and in fact the catsup consists in whole or in part of filthy, decomposed vegetable substances; and that the catsup contained in the 15 barrels was misbranded because the labels thereon above set forth were false and misleading in stating that the said catsup was "O. K.", meaning thereby that it was good, pure, and genuine catsup made of sound and healthful substances, when in

truth and in fact it consisted in whole or in part of filthy, decomposed, and putrid vegetable substances.

On June 15, 1910, Paul Brierre & Co., and the above named Alart & McGuire, through Paul Brierre, their agent, intervened and admitted the truth of the allegations of the libels above set forth, and consented that a final decree of condemnation be entered in these proceedings as provided by section 10 of the Food and Drugs Act of June 30, 1906.

On June 16, 1910, the case came on for hearing, and the court being fully informed in the premises entered its decree, sustaining the allegations of the libels above set forth and directing the United States marshal for said district to destroy the catsup above referred to, the costs of the court to be paid by said intervenors and claimants, Paul Brierre & Co. and Alart & McGuire.

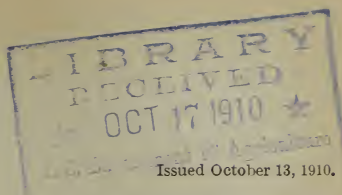
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 9, 1910.*

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# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 600, FOOD AND DRUGS ACT.

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#### MISBRANDING OF MACARONI.

On or about June 10, 1910, A. Ricchezza, Philadelphia, Pa., shipped from the State of Pennsylvania to the District of Columbia 15 boxes of macaroni, which were each labeled "Molino e pastificio a vapore Napoletano San Giovanni a Teduccio." Examination of the samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Columbia.

In due course a libel was filed in the Supreme Court of the District of Columbia against the said 15 boxes of macaroni, charging the above shipment and alleging the product to be misbranded, in that each of said boxes was labeled as above set forth, and in addition to said words each of the labels above referred to bore a picture or design depicting a body of water with a smoking volcano in the distance, a Maltese cross, a lion, the monogram "A. R.", and a number of medals, one of which said medals was inscribed "Victor Emanuel, Italia," the effect of said words and label being to deceive and mislead the purchaser, for the reason that said words, picture, and design purport that the product in question is a foreign product when not so, signifying and importing that the said product had been manufactured in the vicinity of the city of Naples, Italy, and that after being so manufactured had been imported into the United States of America from the said country of Italy, when in truth and in fact the said macaroni and each box thereof had not been manufactured in the said country of Italy nor imported therefrom into the United States, but had been manufactured within the said United States, at or near the city of Philadelphia, in the State of Pennsylvania.

On July 12, 1910, the case came on for hearing, and there having been no appearance entered by any claimant to the said 15 boxes of macaroni, the court being fully informed in the premises, entered its decree sustaining the allegations of the libel above set forth, and condemning and forfeiting the said macaroni to the use of the United States, and ordering the marshal of said district to sell same under such terms and conditions as would not violate the provisions of the Food and Drugs Act of June 30, 1906. In due course said marshal sold the above mentioned macaroni in accordance with the terms of said decree, realizing therefrom the sum of \$12, which was applied upon the costs of the above proceedings.

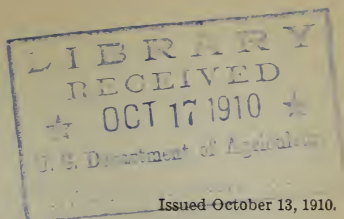
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 9, 1910.*







# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 601, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF LEMON EXTRACT.

On or about June 7, 1909, Newmark Brothers, a corporation of Los Angeles, Cal., shipped from the State of California into the Territory of Arizona a consignment of a food product labeled "Acme Brand Terpeneless Flavoring Extract Lemon Flavor." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Newmark Brothers and the dealer from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Southern District of California against the said Newmark Brothers, charging the above shipment and alleging that the product so shipped was adulterated, in that pure and genuine terpeneless extract of lemon contains not less than one-fifth of 1 per cent by weight of citral, while in the product in question another substance, to wit, water, had been substituted in part for said citral, thereby reducing the proportion of citral in said product to one one-hundredth of 1 per cent of the total constituents in said article and thereby reducing and lowering the quality and strength of said product, and in that a valuable constituent of said article of food, to wit, citral, had been partly abstracted therefrom, and in that said product was colored in a manner to give the appearance of pure and genuine terpeneless extract of lemon and thereby concealed the inferiority of

opportunities for hearings to the party from whom said samples were procured, to the shipper and to the guarantor of said products, and as it appeared after hearings held that there had been a violation of the act on the part of the above named guarantor, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence on which to base a prosecution.

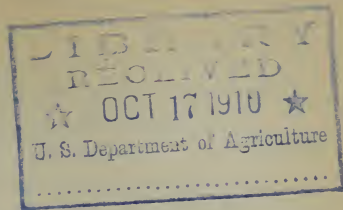
In due course a criminal information was filed in the District Court of the United States for the Southern District of California against the said Bishop & Co., charging the above shipment and guaranty, and alleging that the products so shipped were adulterated, in that commercial glucose had been substituted for the ingredient sugar, which the said labels implied constituted a substantial ingredient of said article of food; in that a certain substance, commercial glucose, had been mixed and packed with said article of food to an extent which materially reduced and lowered the quality and strength thereof, and alleging said products to be misbranded in that the statements, designs, and devices appearing on said labels were false and misleading and calculated to deceive purchasers into the belief that said products were composed of and manufactured from loganberries and sugar and from strawberries and sugar, respectively, when in truth and in fact said articles were composed of considerable quantities of commercial glucose which had been substituted for sugar; that the said defendant at the time of making the sale and delivery of said products to the purchasers thereof, said Haas, Baruch & Co., knew that said firm was engaged extensively in the business of selling and shipping in interstate commerce groceries and articles of food in original and unbroken packages to retail dealers in towns and cities situated in States and Territories of the United States and beyond the territorial limits of the State of California and that said products were liable to be sold in interstate traffic, and that in fact said products were, on or about the same day, shipped by said purchasers in interstate traffic to Yuma, Ariz., and that by reason of the fact that said products were adulterated and misbranded as aforesaid, the interstate shipment thereof was unlawfully made; and that by reason of the guaranty given by the said defendant it was amenable to the prosecution, fines, and other penalties which would attach because of said unlawful interstate shipment.

On July 8, 1910, the defendant pleaded guilty to the above information and the court imposed a fine of \$1.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September, 10, 1910.*



F. & D. No. 975.  
I. S. No. 18974-a

Issued October 13, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 603, FOOD AND DRUGS ACT.

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#### ADULTERATION AND MISBRANDING OF MAPLE SYRUP.

On or about April 22, 1909, Charles W. Sherman, Rupert, Vt., shipped from the State of Vermont to the State of Massachusetts a consignment of a food product labeled "Genuine Vermont Maple Syrup, made and guaranteed by Daniel Wood, West Rupert, Vt. We unconditionally guarantee the purity of our product." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said Charles W. Sherman and the parties from whom the samples were procured opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course an indictment was brought by the grand jurors of the United States in and for the District of Vermont at the February term of the District Court of the United States for said district against the said Charles W. Sherman, charging the above shipment and alleging that the product so shipped was adulterated, in that there had been mixed and packed with said maple syrup a large quantity of water, to wit,  $5\frac{1}{2}$  per cent, in addition to the quantity of water which was a proper constituent of said maple syrup, whereby the strength of said maple syrup was then and there greatly reduced, lowered, and injuriously affected, and in that water had been substituted for said maple syrup to the amount of  $5\frac{1}{2}$  per cent more than is contained in pure maple syrup, and alleging the product to be

misbranded in that the label above set forth guaranteed the purity of said maple syrup when in truth and in fact the product in question was not pure maple syrup but a product adulterated as above set forth.

On April 12, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$50.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 10, 1910.*

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# United States Department of Agriculture

OFFICE OF THE SECRETARY.

Issued October 13, 1910.

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U. S. Department of Agriculture

## NOTICE OF JUDGMENT NO. 604, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF TOMATO CATSUP.

On or about October 20, 1909, the J. Weller Company, a corporation, Cincinnati, Ohio, shipped from the State of Ohio to the State of Iowa 100 cases of 10-ounce bottles of an article of food, each of which bottles was labeled: "Pure gold brand tomato catsup, manufactured by the J. Weller Company, Cincinnati, Ohio, prepared with one-tenth of one per cent of benzoate of soda." Samples from this shipment were procured and analyzed in the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said J. Weller Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Southern District of Ohio against the said J. Weller Company, charging the above shipment and alleging the product so shipped to be adulterated, in that it consisted in part of a decomposed and putrid vegetable substance, and further alleging the product to be misbranded, in that the label above set forth contained a false, misleading, and deceptive statement regarding said article of food, to wit, "pure gold brand tomato catsup," when in truth and in fact said article was not pure tomato catsup, but contained in part a putrid and decomposed vegetable substance.

On August 10, 1910, the defendant appeared by H. E. Cree, its vice-president, and entered a plea of guilty to the above information and the court imposed a fine of \$15 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

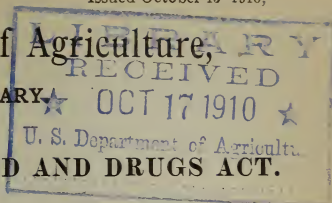
WASHINGTON, D. C., *September 10, 1910.*



Issued October 13 1910,

# United States Department of Agriculture

OFFICE OF THE SECRETARY



## NOTICE OF JUDGMENT NO. 605, FOOD AND DRUGS ACT.

### MISBRANDING OF OLIVE OIL.

On or about June 15, 1909, Drake Brothers Company, a corporation, Milwaukee, Wis., shipped from the State of Wisconsin to the State of Michigan a quantity of a food product labeled "Superior French Virgin Olive Oil, inspected by the United States Government Chemist and guaranteed pure. Imported by Drake Brothers Company, Importers, wholesale and retail druggists, Eastwater & Michigan Streets, Milwaukee, Wisconsin." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture. As it appeared from the findings of the analyst and report thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said Drake Brothers Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Wisconsin, against the Drake Brothers Company, charging the above shipment, and alleging that the product so shipped was misbranded, in that the label above set forth bore a statement regarding said article and the substances and ingredients contained therein, to wit "inspected by the United States Government Chemist," which said statement was false and misleading, because said article of food had never been inspected by the United States Government chemist, said statement being such as to mislead the purchaser into the belief that the article in question had been inspected by the chemist of the United States Government and found to be pure.

On March 12, 1910, the defendant entered a plea of guilty to the above information, and the court imposed a fine of \$25.

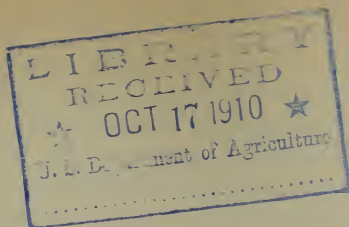
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 10, 1910.*

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F. & D. No. 816.  
I. S. No. 16573-a

Issued October 13, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 606, FOOD AND DRUGS ACT.

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#### MISBRANDING OF A DRUG PRODUCT—CANCEROL.

On or about February 16, 1909, Leon T. Leach, Indianapolis, Ind., shipped from the State of Indiana to the District of Columbia a drug product contained in a glass bottle, labeled: "Cancerol, a compound of essential oils for the treatment of malignant diseases, originated and perfected by L. T. Leach, M. D. Blood renovator. Predigested oils for internal administration. This preparation tones up the general system, enriches the blood and fortifies the glands against invasion of malignant cells. It does not injure the most delicate stomach, etc. Directions: Take one teaspoonful before each meal, with or without water. From the Parkview Sanatorium and Dispensary, Dr. L. T. Leach, Medical Director, Indianapolis, Ind.", together with a salve, contained in a box labeled: "Healing salve, composed of a due mixture of vegetable and mineral oils, with certain drugs of highly healing qualities, \* \* \* From the Parkview Sanatorium, and Dispensary, Dr. L. T. Leach, Medical Director." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the products were misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said Leon T. Leach and the party from whom the samples were procured opportunities for hearing. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course an indictment was brought by the grand jurors of the United States in and for the District of Indiana, at the November term of the District Court of the United States for said district, against

the said Leon T. Leach, charging the above shipment, and alleging that the products so shipped were misbranded, in that the drug contained in the glass bottle was not a compound of essential oils, and did not contain predigested oils, as alleged in the label upon the container thereof, and in that the contents of said bottle contained 14 per cent alcohol and a certain proportion of opium and the label affixed to said bottle failed to bear any statement of the quantity or proportion of alcohol and opium contained in said bottle; and in that the salve was not a compound of vegetable oil with certain drugs of highly healing qualities, as represented by the label upon the container thereof.

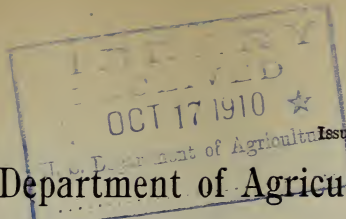
On November 30, 1909, the defendant entered a plea of not guilty to the above indictment and on March 29, 1910, withdrew said plea and substituted therefor a plea of guilty, whereupon the court imposed a fine of \$25 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 10, 1910.*

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 607, FOOD AND DRUGS ACT.

### ADULTERATION OF MILK.

On or about March 16, 1909, Henry A. Boberink, Lawrenceburg, Ind., shipped from the State of Indiana to the State of Ohio a quantity of milk. Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said Henry A. Boberink and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course an indictment was brought by the grand jurors of the United States in and for the District of Indiana, at the November term of the District Court of the United States for said district, against the said Henry A. Boberink, charging the above shipment, and alleging that the product so shipped was adulterated, in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On November 30, 1909, the defendant entered a plea of guilty, and the court imposed a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON D. C., *September 10, 1910.*

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Issued October 13, 1910.

# United States Department of Agriculture, 1910 ★

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 608, FOOD AND DRUGS ACT.

### MISBRANDING OF ALFALFA MEAL.

On or about February 26, 1910, the Kornfalfa Feed Milling Company, a corporation, Kansas City, Mo., shipped from the State of Missouri to the State of Virginia 20 sacks of a food product, each of which sacks was labeled: "100 lbs., Pioneer Alfalfa Meal, Manufactured by Kornfalfa Feed Milling Company, Kansas City, Mo. Guaranteed analysis: Protein 15%, Fat 2%, Carbohydrates 45%, Fiber 22%."

Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said Kornfalfa Feed Milling Company and the party from whom the samples were procured opportunities for hearing. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Western District of Missouri against the said Kornfalfa Feed Milling Company, charging the above shipment, and alleging that the product so shipped was misbranded, in that it was labeled as above set forth, when in truth and in fact the contents of said sacks contained 11.94 per cent of protein and 31.96 per cent of crude fiber, and that said sacks were marked and tagged as aforesaid so as to deceive and mislead the purchaser thereof.

On May 4, 1910, the defendant entered a plea of guilty, and the court continued the case for sentence.

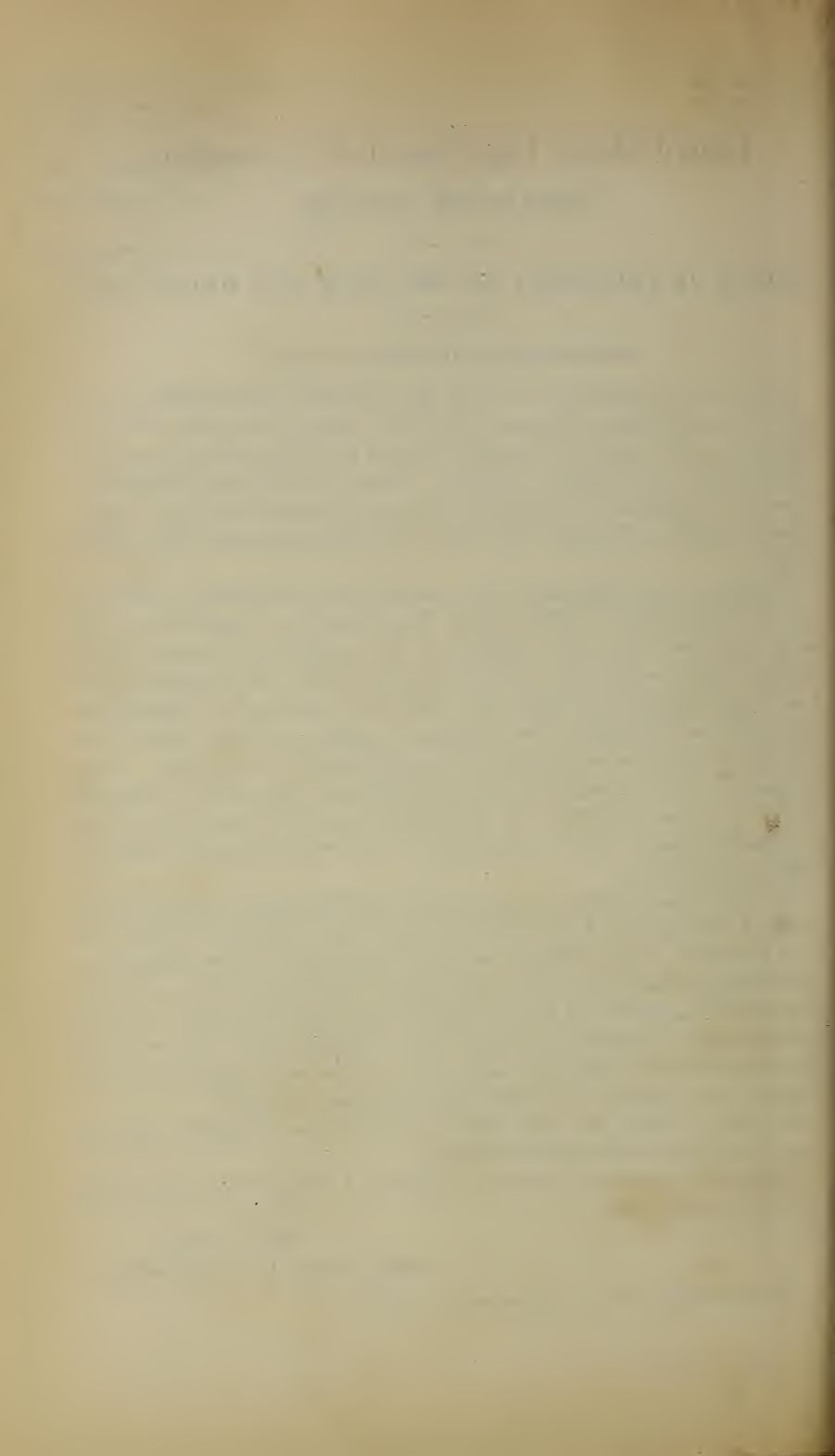
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., September 10, 1910.

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# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

### NOTICE OF JUDGMENT NO. 609, FOOD AND DRUGS ACT.

#### MISBRANDING OF A DRUG PRODUCT—"WITCH HAZEL."

On or about September 14, 1909, A. J. Hilbert & Co., a corporation, Milwaukee, Wis., shipped from the State of Wisconsin to the State of Illinois a quantity of a drug product labeled "Distilled Extract of Witch Hazel (Hamamelis). Dr. Scott Medicine Co., Milwaukee, Wis." and "For bleeding piles, blind piles, toothache, earache, sore throat, sore eyes, sore navels, bleeding lungs, insect stings, neuralgia, etc., for rheumatism, burns, scalds, bruises, kidney diseases, sprains, wounds, ulcers, lame back, frozen limbs, sore feet and corns."

Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said A. J. Hilbert & Co. and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Wisconsin against the said A. J. Hilbert & Co., charging the above shipment, and alleging that the product so shipped was misbranded, in that it contained 14.15 per cent alcohol by volume, which said amount of alcohol was not declared on the label; in that the labels above set forth were false and untrue for the reason that said drug was not valuable in the treatment of such affections as "Piles, rheumatism, catarrh, quinsy, internal bleeding, hemorrhage, etc." as claimed by said labels.

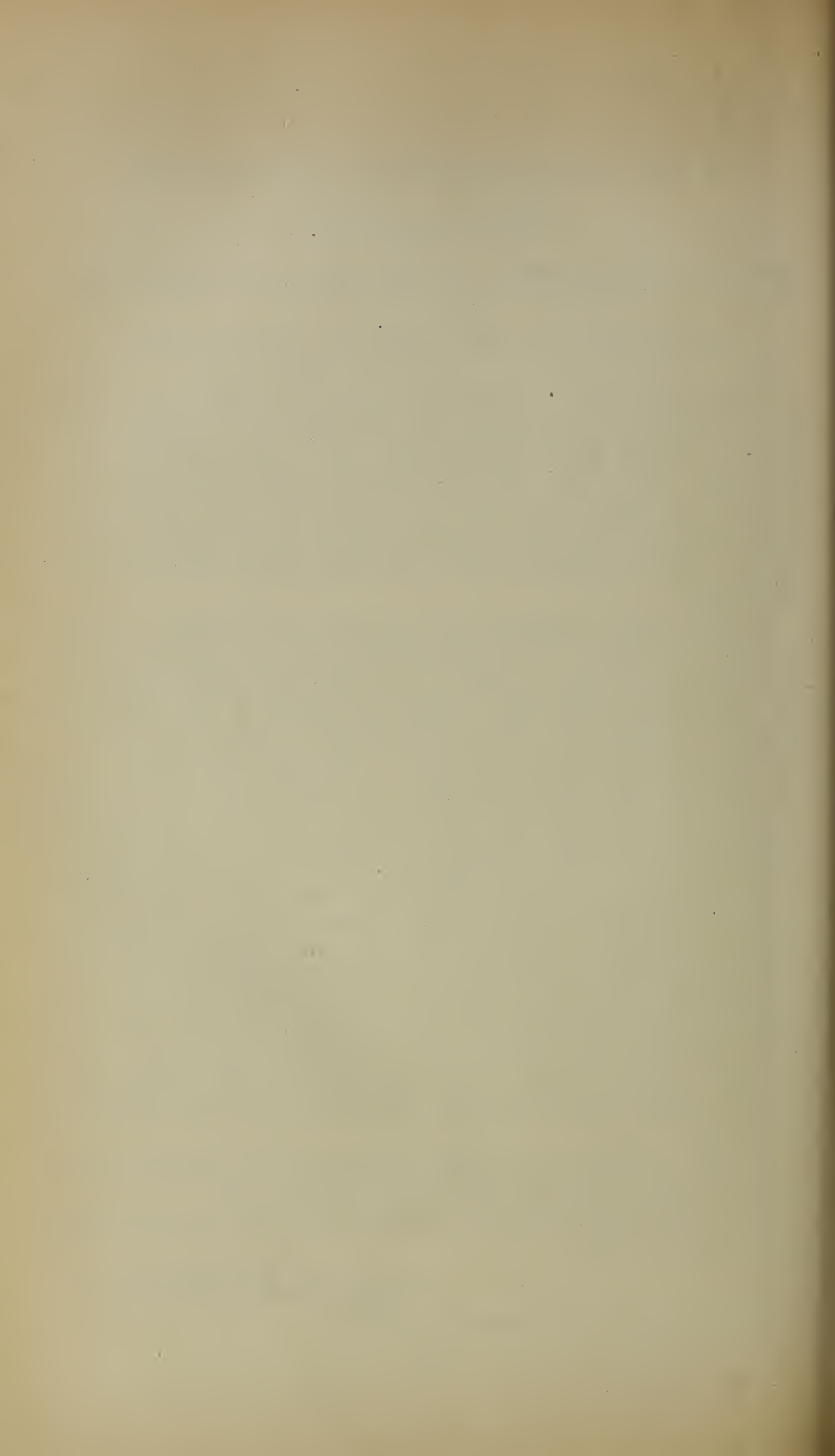
On May 16, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$25.

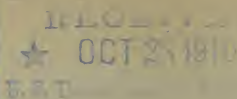
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 26, 1910.*





# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 610, FOOD AND DRUGS ACT.

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#### MISBRANDING OF A DRUG PRODUCT—"DR. WINCHELL'S TEETHING SYRUP."

On or about January 8, 1909, the Emmert Proprietary Company, a corporation, Chicago, Ill., shipped from the State of Illinois to the State of Michigan 144 bottles of a drug product, each of which bottles was labeled: "Dr. Winchell's teething syrup, for stomach and bowel troubles during teething; diarrhœa, dysentery, colic, summer complaint, sore mouth and ordinary ailments of children. Emmert Proprietary Company, Chicago, Ill., Guaranteed under the Food and Drugs Act of June 30, 1906. Serial No. 576." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said Emmert Proprietary Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Northern District of Illinois against the said Emmert Proprietary Company, charging the above shipment, and alleging that the product so shipped was misbranded, in that a circular wrapped around and accompanying each of said bottles contained, among others, statements as follows: "The best medicine for the diseases incident to infancy that has ever been given to the world"; "Will positively cure every case if given in time"; "Quiets and soothes all pain"; "Cures diarrhœa, and dysentery in the worst forms"; "Is a certain preventive of diphtheria"; "Cures \* \* \* diphtheria"; which said statements were then and there false and misleading, because the drug product aforesaid was not the best medicine for the diseases incident to infancy; it would not cure every case if given in time; it would not quiet and soothe all pain; it would

not cure diarrhœa and dysentery in the worst forms; it was not a certain preventive of diphtheria, and it would not cure diphtheria.

On January 14, 1910, the defendant entered a plea of not guilty to the above information, and on March 29, 1910, withdrew said plea and substituted therefor a plea of guilty, whereupon the court imposed a fine of \$25 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 26, 1910.*

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

### NOTICE OF JUDGMENT NO. 611, FOOD AND DRUGS ACT.

#### MISBRANDING OF COFFEE.

On or about May 26, 1909, the Lowry Coffee Company, a corporation, Philadelphia, Pa., shipped from the State of Pennsylvania to the State of Virginia a quantity of coffee, contained in packages labeled "Old Government Coffee. McKimmey, Morrisette & Company, Norfolk, Va."

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Lowry Coffee Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Pennsylvania against the said Lowry Coffee Company, charging the above shipment, and alleging that the product so shipped was misbranded, in that the words "Old Government" appearing in the label above set forth were and are generally known and used in the trade as describing and applying exclusively to coffee produced on the island of Java, when in truth and in fact the coffee shipped as aforesaid was not the product of the island of Java, but was then and there a Santos coffee, a product of South America.

On March 24, 1910, the defendant entered a plea of not guilty, and the case being heard by the court without a jury, the defendant was adjudged guilty and fined the sum of \$10.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., September 26, 1910.

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# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

### NOTICE OF JUDGMENT NO. 612, FOOD AND DRUGS ACT.

#### ADULTERATION AND MISBRANDING OF BLACKBERRY CORDIAL.

On or about June 14, June 21, and August 30, 1909, there were transported from the city of Peoria in the State of Illinois to the city of Philadelphia in the State of Pennsylvania, in three consignments, 18 half barrels and 35 quarter barrels of a drug product labeled: "H. F. L. Hamilton Blackberry Cordial, artificially colored, guaranteed under the Food and Drugs Act, Serial No. 3999-x. Henry H. Shufeldt & Company Rectifiers and Wholesale liquor dealers, Apple Street, Peoria, Ill. Blackberry Cordial." Analysis of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report thereon that the said shipments were liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania.

In due course libels were filed in the District Court of the United States for said district against the 18 half barrels and 35 quarter barrels of blackberry cordial, respectively, charging the above shipments and alleging the product so shipped to be adulterated, in that it consisted wholly or in part of the fermented solution of starch sugar, artificially colored and flavored, and in that it was an imitation blackberry cordial and did not comply in any particular with the blackberry cordial recognized by the National Formulary, the ingredients of which are "freshly pressed blackberry juice, sugar and dilute alcohol, flavored with cinnamon, cloves, and nutmegs"; and alleging the product to be misbranded, in that it contained between 8 and 10 per cent alcohol which was not declared on the containers, and in that the above mentioned half barrels and quarter barrels did not contain blackberry cordial as recognized by the National Formulary. The libels also prayed seizure and condemnation of the product.

Thereupon said Henry H. Shufeldt & Co., a corporation, entered its appearance and filed a claim to the product, substantially admit-

ting the facts as averred in the above libels, but denying any intention to transgress or evade the laws of the United States and consenting to the prayer of said libels and agreeing to the condemnation of the property.

Thereafter the case came on for hearing, and the court being fully informed in the premises issued its decree finding the product to be misbranded as alleged in said libels and condemning same, with the proviso, however, that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution and delivery by it of a good and sufficient bond in the sum of \$400, conditioned that the product in question should not be sold or otherwise disposed of contrary to the provisions of the above-mentioned act. The costs having been paid and bonds furnished in accordance with the terms of this decree, the said 18 half barrels and 35 quarter barrels of blackberry cordial were forthwith returned to said claimant.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 26, 1910.*



# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 613, FOOD AND DRUGS ACT.

### ADULTERATION OF DESICCATED EGG PRODUCT.

On or about October 2, 1909, the Adams Baking Company, Norfolk, Va., shipped from the State of Virginia to the State of Pennsylvania three drums of desiccated egg product. Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report thereon that said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania.

On October 11, 1909, a libel was filed in the District Court of the United States for said district against the said three drums of desiccated egg product, charging the above shipment and alleging the product to be adulterated, in that it consisted in whole or in part of a decomposed and putrid animal substance, and contained an excessive number of bacterial organisms and a large quantity of streptococci, which last indicated that it was composed of a filthy and contaminated material. The libel also prayed seizure and condemnation of the product.

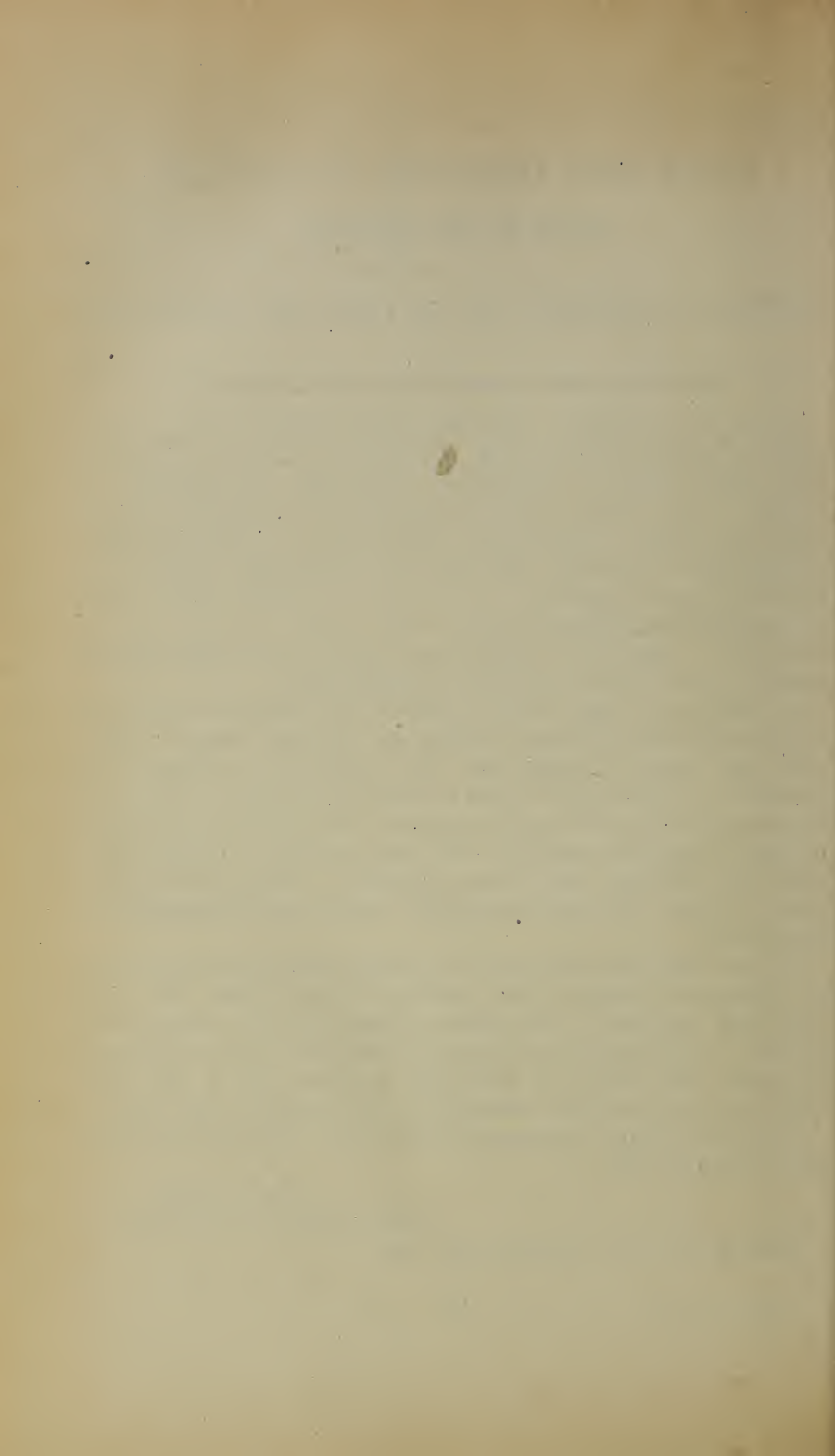
In due course the case came on for hearing and there having been no appearance entered by any claimant to the product, the court being fully informed in the premises issued its decree finding said product to be adulterated as charged in said libel, and condemning the same, and ordering its destruction as prayed for in said libel, which order was forthwith executed by the marshal of said district.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 26, 1910.*





## United States Department of Agriculture, 1910

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 614, FOOD AND DRUGS ACT.

## ADULTERATION OF DESICCATED EGGS.

On or about October 27, 1909, Wood & Selick, New York, N. Y., shipped from the State of New York to the State of Pennsylvania two barrels of desiccated egg product. Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report thereon that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania.

In due course a libel was filed in the District Court of the United States for said district against the said two barrels of desiccated egg product, charging the above shipment and alleging that the product so shipped was adulterated, in that it consisted in whole or in part of a decomposed and putrid animal substance and contained an excessive number of bacterial organisms and a large number of streptococci, the last indicating that it was composed of a filthy and contaminated material.

The case came on for hearing, and there being no appearance entered by any claimant to the product, the court being fully informed in the premises issued its decree finding the product adulterated as alleged in the above libel, and ordering its destruction, which order was forthwith executed by the marshal of said district.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*WASHINGTON, D. C., *September 26, 1910.*

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 615, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF CIDER.

On or about October 18 and December 4, 1909, there were shipped from the State of Kentucky to the State of West Virginia two consignments of alleged cider aggregating 31 barrels, each of which barrels was labeled: "Knadler & Lucas. Lucas' Red Refined Cider, Louisville, Ky." An analysis of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the above analysis that the said 31 barrels of cider were liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of West Virginia.

In due course a libel was filed in the District Court of the United States for the said district against the said 31 barrels of cider, charging the above shipments, and alleging the product so shipped to be adulterated, in that saccharine, benzoic acid, dye, and water had been mixed with the product so as to reduce, lower, and injuriously affect its quality and strength, and in that the product was mixed or colored with a red dye in a manner whereby inferiority was concealed, and alleging the product to be misbranded, in that the said barrels did not any of them contain "Red Refined Cider" as represented by the labels on said barrels, but in truth and in fact contained a compound or mixture colored with dye, sweetened with saccharine, and preserved with benzoic acid, said labels being therefore false and misleading so as to deceive the purchaser.

Thereupon Sehon, Stephenson & Co., Huntington, W. Va., entered their appearance and filed a claim to the goods in question, and the court being fully informed in the premises entered its decree sustaining the allegations of the above libel and condemning and forfeiting the product to the use of the United States, with the proviso, however, that the goods be released to said claimants upon payment of the costs of the proceedings and the filing of a satisfactory bond conditioned that said product should not be sold or otherwise

disposed of contrary to law. The costs having been paid and bond in the sum of \$200 furnished in accordance with the terms of this decree, the said 31 barrels of cider were forthwith delivered to claimants.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 26, 1910.*

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# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

### NOTICE OF JUDGMENT NO. 616, FOOD AND DRUGS ACT.

#### ADULTERATION AND MISBRANDING OF VINEGAR.

On or about August 17, 1909, the Gregory Wallace Vinegar Company, Paducah, Ky., shipped from the State of Kentucky to the State of Arkansas 51 cases of bottled vinegar, each of which bottles was labeled "Elko brand pure apple cider vinegar, Gregory Wallace Vinegar Company, Paducah, Ky.;" and 10 barrels of vinegar labeled: "Cereal white distilled vinegar, Gregory Wallace Vinegar Company, Paducah, Ky." Analysis of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report thereon that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Arkansas.

In due course a libel was filed against the said 51 cases of bottled vinegar and 10 barrels of vinegar in the District Court of the United States for said district, charging the above shipment and alleging the product contained in said bottles to be adulterated, in that it consisted wholly or in part of a fermented solution of starch sugar vinegar, and that the product contained in said barrels was adulterated, in that it contained water with which it had been diluted so that it was deficient in acid strength; and alleging that the product contained in said bottles and barrels was misbranded, in that it was an imitation of and offered for sale under the distinctive name of another article, and in that it was labeled so as to deceive and mislead the purchaser.

On April 19, 1910, the cause came on for hearing and no claimant having appeared therein, the court, being fully informed in the premises, issued its decree finding that the product was adulterated and misbranded as alleged in the above libel, but that it was not deleterious to health, and condemning and forfeiting the same to

the use of the United States and ordering its sale by the marshal for said district, which order was duly executed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 26, 1910.*



# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 617, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF OLIVE OIL.

On or about October 13, 1909, Marchesini Brothers, New York, N. Y., shipped from the State of New York to the State of Pennsylvania 13 cases containing assortments of various sized cans containing alleged olive oil, which cans were labeled "Italian Produce superfine olive oil, F. Bertolli, Tuscany, Italy," the cases containing said cans being labeled "Olive Oil, extra quality, F. Bertolli, Lucca." An analysis of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report thereon that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the fact to the United States attorney for the Eastern District of Pennsylvania. In due course a libel was filed in the District Court of the United States for said district against the said 13 cases of olive oil, charging the above shipment and alleging that the product so shipped was adulterated, in that cotton-seed oil had been mixed and packed with the olive oil contained in the product so as to reduce and lower the quality and strength of said olive oil; and in that cotton-seed oil had been substituted in part for the said olive oil; and alleging the product to be misbranded, in that it was labeled so as to deceive and mislead the purchaser thereof, said label being as above set forth, when in truth and in fact said packages did not contain superfine olive oil as therein represented but a mixture of olive oil and cotton-seed oil; and in that the said 13 cases were labeled so as to deceive the purchaser, because the product contained in said cases was not "olive oil, extra quality," as alleged in the labels on said cases, but was a mixture of olive oil and cotton-seed oil. Thereupon G. Mangini & Son, Philadelphia, Pa., consignees of the product, entered their appearance and filed a claim to eight cases of the product, which were all that the marshal was able to seize on the motion issued in this case.

The case came on for hearing, and the court being fully informed in the premises issued its decree, finding that the said eight cases of the product so seized were adulterated and misbranded as set forth in said libel, and condemning same, with a proviso, however, that the marshal of said district should deliver said eight cases of the product to said claimants upon the payment of all costs of these proceedings and the execution of a bond in the sum of \$400, conditioned that the said eight cases of the product in question should not be sold or otherwise disposed of contrary to the provisions of the above-mentioned act. Said costs having been paid and bond furnished in accordance with the terms of this decree, the said eight cases of the product referred to above were forthwith delivered to said claimants.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 26, 1910.*

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 618, FOOD AND DRUGS ACT.

### ADULTERATION OF EVAPORATED EGGS.

On or about February 1 and 17, 1910, C. H. Weaver & Co., Chicago, Ill., shipped from the State of Illinois to the State of New York seven drums of evaporated eggs, containing 200 pounds each, in two shipments, the former consisting of six drums and the latter of one drum. Examination of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report thereon that the shipments were liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of New York.

In due course two libels were filed in the District Court of the United States for said district against the said seven drums of evaporated eggs, charging the above shipments and alleging that the product so shipped was adulterated, in that it contained filthy, decomposed, and putrid animal and vegetable substance, rendering the same unfit for human food, and praying seizure and condemnation of the product.

On July 12, 1910, the above cases came on for hearing, and there being no appearance by any claimant to the product, the court, being fully informed in the premises, issued its decree, finding said product to be adulterated as alleged in said libels, condemning same, and ordering its destruction by the marshal of said district, which order was forthwith executed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 26, 1910.*





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 619, FOOD AND DRUGS ACT.

### MISBRANDING OF "VANOLEUM, CONCENTRATED VANILLA."

On or about February 17, 1909, there were shipped from the State of New York to the State of California 52 1-pint bottles and 24 5-pint bottles of a food product, each of which bottles was labeled "Vano-leum, Concentrated Vanilla, a compound, Corrizo Extract Company, New York City, U. S. A.", all of said bottles being contained in original cases labeled "Vano-leum, the original Mexican vanilla oil, Corrizo Extract Company, Battle Creek, Mich.; Mexico; New York City." An examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report thereon that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of California.

In due course a libel was filed in the District Court of the United States for said district against the said bottles of Vano-leum, charging the above shipment and alleging the product so shipped to be mis-branded, in that the labels above set forth made it appear that it was a concentrated vanilla compound, when in truth and in fact it was an imitation of vanilla and contained little or no extract of vanilla, but was primarily a mixture of vanillin and coumarin dissolved in glycerin and alcohol artificially colored with caramel so as to imitate vanilla. The libel also prayed seizure and condemnation of the product.

On July 28, 1910, said Corrizo Extract Company of New York entered its appearance, filed its claim to the product, and consented that a decree of condemnation be entered in accordance with the prayer of the libel above set forth, whereupon the court, being fully informed in the premises, issued its decree, finding the above mentioned bottles of Vano-leum to be misbranded as charged in said libel and condemning said product and ordering that it be disposed of by sale or public auction by the marshal for said district, with a proviso,

however, that said bottles of Vanoleum should be delivered to said claimant in lieu of the sale thereof at public auction if said claimant should pay the costs of these proceedings and execute and deliver a satisfactory bond in the sum of \$200 conditioned that said product should be properly labeled and not be sold or disposed of contrary to law. Said costs having been paid and bond furnished by claimant in accordance with the terms of said decree, the above-mentioned bottles of Vanoleum were forthwith delivered to said claimant.

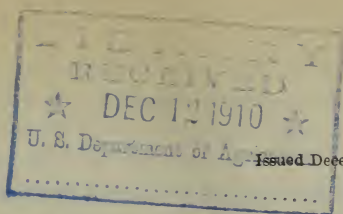
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 26, 1910.*





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 620, FOOD AND DRUGS ACT.

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### MISBRANDING OF A BREAKFAST FOOD—"SCOTCH OATS."

On or about September 13, 1909, the Quaker Oats Company, Chicago, Ill., shipped from the State of Illinois to the State of Arkansas 158 cases of a food product, each of which said cases was labeled "Scotch Oats," and the several packages contained in each of said cases were labeled "Quaker Pure Rolled White Oats, Scotch Brand Oats, Quaker Oats Company, Chicago." Examination of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report thereon that said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Arkansas.

In due course a libel was filed in the District Court of the United States for said district against the said 158 cases of Scotch Oats, charging the above shipment and alleging the product was misbranded in that the word "Scotch" was used, when in truth and in fact the product was not Scotch, and praying seizure and condemnation of the product. Thereupon the said Quaker Oats Company entered its appearance and filed a claim to the product.

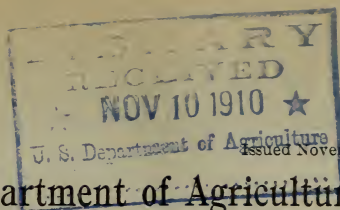
On April 23, 1910, the case came on for hearing, a jury was empaneled, and trial being had upon the issues, the jury returned a verdict in favor of the Government; whereupon it was ordered and adjudged by the court that the product be forfeited to the United States and be sold by the marshal of said district at public sale; with the proviso, however, that said marshal should deliver the product to the claimant upon payment of the costs and furnishing a bond in the sum of \$500 by said claimant, conditioned that the product should

not be sold or otherwise disposed of contrary to law. From this decision said claimant appealed by writ of error on May 6, 1910, to the United States Circuit Court of Appeals for the Eighth Circuit, which appeal was subsequently dismissed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 26, 1910.*



# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 621, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF VINEGAR.

On or about October 8, 1909, the Leroux Cider and Vinegar Company, Toledo, Ohio, shipped from the State of Ohio to the State of Pennsylvania 80 barrels, more or less, of a food product labeled "Leroux Cider and Vinegar Company; Our pride brand fermented apple pure cider vinegar; Toledo, Ohio." Analysis of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report thereon that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Pennsylvania.

In due course a libel was filed in the District Court of the United States for said district against the said 80 barrels of vinegar, charging the above shipment and alleging that the product so shipped was adulterated and misbranded, in that it was not a pure cider vinegar but consisted in whole or in part of a dilute solution of acetic acid or distilled vinegar and a foreign product high in reducing sugars, mixed and colored in imitation of genuine cider vinegar; and praying seizure and condemnation of the product.

On March 16, 1910, the said Leroux Cider and Vinegar Company entered its appearance and filed a claim to the above-mentioned vinegar; and on the same day the case coming on for hearing and the court being fully informed in the premises issued its decree, condemning and forfeiting the product to the use of the United States, with the proviso, however, that upon payment of all costs and furnishing of bond by said claimant in the sum of \$500, conditioned that said goods should not be sold or otherwise disposed of contrary to the above-mentioned act, said goods should be delivered to said claimant. The costs having been paid and bond furnished in accordance with

the terms of this decree, the above-mentioned barrels of vinegar were forthwith delivered to the claimant.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 26, 1910.*



Issued October 26, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 622, FOOD AND DRUGS ACT.

### ADULTERATION OF TOMATO CATSUP.

On or about January 19, 1910, the New Blue Grass Canning Company, Owensboro, Ky., shipped from the State of Kentucky to the State of Georgia 44 barrels, 15 half barrels, and 22 kegs containing 15 gallons each of alleged tomato catsup, twelve of which barrels were labeled "Jumbo Tomato Catsup," the remainder bearing no label. Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of Georgia.

In due course a libel was filed in the District Court of the United States for said district against the said barrels, half barrels, and kegs of tomato catsup, charging the above shipment and alleging that the product so shipped was adulterated, in that it consisted in part of a filthy and decomposed vegetable substance.

The case coming on for hearing and there being no appearance by any claimant to the product, the court being fully informed in the premises, issued its decree finding the above-mentioned product to be adulterated as alleged in the above libel, condemning and forfeiting the same to the United States and ordering its destruction by the marshal of said district, which order was forthwith executed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 26, 1910.*





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Issued October 26, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 623, FOOD AND DRUGS ACT.

### MISBRANDING OF A DRUG PRODUCT—"RADAMS MICROBE KILLER."

On or about May 27, 1909, there were transported from the city of San Francisco, State of California, to the city of Seattle, State of Washington, 25 cases of a drug product, which cases bore the label "William Radams Microbe Killer, kills all diseases. Serial No. 6675." The unit packages contained in said cases bore the statements: "It is a positive and certain cure for all diseases and is guaranteed to be perfectly harmless. It will effect a cure in every instance if given a fair trial," "Cures by removing the cause—microbes," "Microbe Killer is perfectly harmless and can be taken in any quantity without danger," in each of said bottles therein contained being blown the following statement: "Cures all diseases." Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Washington.

In due course a libel was filed in the District Court of the United States for said district against the said 25 boxes of Radams Microbe Killer, charging the above shipment and alleging the product to be misbranded, in that the statements contained on the labels above set forth were false and misleading, because they purported to show that said product would cure all diseases, when in truth and in fact said product would not cure all diseases or any disease at all.

On December 4, 1909, the Radams Microbe Killer Company, a copartnership, appeared by its attorney and admitted the allegations contained in the above libel and the court thereupon entered its decree, finding the product to be misbranded as charged in said libel and condemning and forfeiting the product as provided for in the above-mentioned act of June 30, 1906, with the proviso, however,

that upon payment of all costs of these proceedings and the execution and delivery by the above-mentioned claimant of a good and sufficient bond in the sum of \$500, conditioned that the product should not be sold or otherwise disposed of contrary to law, the product should be delivered to said claimant in lieu of the retention and sale thereof; said bond to be filed on or before the 15th day of January, 1910. The claimant failed to pay the costs within the time provided in said decree and on February 3, 1910, the court ordered the marshal of said district to destroy the said 25 cases of Radams Microbe Killer, which order was forthwith executed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 26, 1910.*

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Issued October 26, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 624, FOOD AND DRUGS ACT.

### MISBRANDING OF A DRUG PRODUCT—"FAILING'S HEADACHE POWDER."

On or about January 29, 1909, the Failing-Nellis Drug Company, a corporation, Albany, N. Y., shipped from the State of New York to the State of Michigan a quantity of a drug product labeled "Our own headache cure; a safe and efficient remedy for headache, neuralgia, etc. Failing and Company, Albany, N. Y. We guarantee this cure to contain no opium, morphine, antipyrine, bromides, or narcotics and leaves no disagreeable after effect. Failing's headache cure is a harmless and efficient remedy, pleasant, quick, and sure for all sick and nervous headache, etc. It is a guaranteed cure." A sample from this shipment was procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said Failing-Nellis Drug Company and the party from whom the sample was procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Northern District of New York against the said Failing-Nellis Drug Company, charging the above shipment and alleging the product to be misbranded because the said label attached thereto contained the statement that the product was a headache cure and a remedy for headache, neuralgia, etc., and a pleasant cure for all sick or nervous headaches, when in truth and in fact the said article was not a remedy for headache, neuralgia, etc., nor was it a headache cure, nor was it a harmless and efficient remedy, nor was it a pleasant, quick, and sure cure for all nervous and sick headaches, etc.; and because the product contained a certain propor-

tion of acetanilid and the container thereof failed to bear a statement as to the quantity or proportion of acetanilid therein contained.

On December 8, 1909, the defendant appeared by its vice-president and entered a plea of guilty to the above information, whereupon the court imposed a fine of \$125.

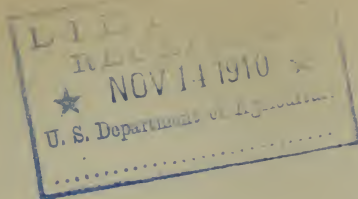
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 26, 1910.*

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Issued November 12, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 625, FOOD AND DRUGS ACT.

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#### ADULTERATION AND MISBRANDING OF "HEN-E-TA BONE GRITS."

On or about March 3, 1909, the Hen-e-ta Bone Company, Flemington, W. Va., shipped from the State of West Virginia to the State of Pennsylvania a quantity of a food product labeled "Hen-e-ta Bone Grits 30 per cent pure bone ash. Manufactured by Hen-e-ta Bone Company, Flemington, W. Va." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Hen-e-ta Bone Company, and the party from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed against the said Hen-e-ta Bone Company in the District Court of the United States for the Northern District of West Virginia, charging the above shipment and alleging that the product was adulterated, in that some other substance had been substituted wholly for the bone which the label above set forth represented it to contain; and alleging the product to be misbranded, in that the statements on the labels aforesaid regarding the article and the ingredients contained therein are false and misleading; and in that said bone grits is an imitation and does not contain bone.

On June 15, 1910, the case came on for hearing and the defendant, upon arraignment, entered a plea of not guilty to the above informa-

tion, whereupon the testimony of the witnesses for the Government was heard, and upon the termination thereof the defendant moved the court that the jury be directed to return a verdict of not guilty, which motion was granted, and the jury, upon direction of the court, returned a verdict of not guilty.

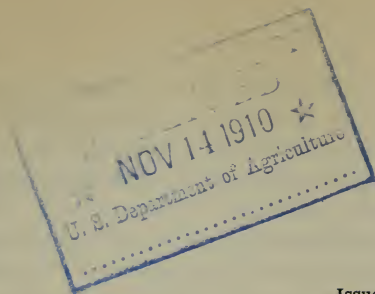
Decisions of United States district and circuit courts and of United States circuit courts of appeals adverse to the Government will not be accepted as final until acquiescence shall have been published.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 6, 1910.*





F. & D. No. 680.  
S. No. 265.

Issued November 12, 1910.

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 626, FOOD AND DRUGS ACT.

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#### ADULTERATION AND MISBRANDING OF VINEGAR.

On or about July 17, 1909, Spielmann Brothers Company, Chicago, Ill., shipped from the State of Illinois to the State of Nebraska 75 barrels of vinegar labeled "Wind Mill Brand Pure Apple Cider Vinegar Manufactured for Paxton & Gallagher Company, Omaha, Nebr." and "Guaranteed Cider Vinegar 4 per centum Spielmann Bros. Co. Mfg." Analysis of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report thereon that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Nebraska.

In due course a libel was filed against the said 75 barrels of vinegar in the District Court of the United States for said district, charging the above shipment and alleging the product so shipped to be adulterated, in that certain substances, to wit, a dilute solution of acetic acid or distilled vinegar and a foreign substance high in reducing sugars, had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength, and in that a product consisting of a dilute solution of acetic acid or distilled vinegar and a foreign substance high in reducing sugars had been substituted wholly or in part for pure cider vinegar; and further alleging the product to be misbranded, in that it was labeled as above set forth and offered for sale as pure apple cider vinegar, when, in truth and in fact, it was not pure cider vinegar but a product prepared in

imitation thereof and consisting of a dilute solution of acetic acid or distilled vinegar and a foreign substance high in reducing sugars, and in that the 75 barrels containing said vinegar and the labels on said barrels and each of them bore a statement regarding the ingredients and substances contained therein, to wit, "Pure Apple Cider Vinegar," which statement was false and misleading, in that none of the said barrels contained pure apple cider vinegar.

On August 30, 1910, the said Spielmann Brothers Company entered its appearance and admitted the allegation of misbranding set forth in the above libel, whereupon the cause came on for hearing and the court being fully informed in the premises issued its decree finding the product to have been misbranded as alleged in said libel, and condemning and forfeiting the same to the use of the United States, with a proviso, however, that the said vinegar should be delivered to the above mentioned claimant upon the payment of the costs of these proceedings and the execution and delivery of a satisfactory bond in the sum of \$400 by said claimant, conditioned that the said vinegar should not be sold or otherwise disposed of contrary to law. The costs having been paid and bond furnished, in accordance with the terms of the above decree, the above mentioned vinegar was delivered to claimant.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 6, 1910.*

Issued November 12, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 627, FOOD AND DRUGS ACT.

### ADULTERATION OF LEMON FLAVOR.

On or about March 6, 1910, the Hetfield Extract and Manufacturing Company, a corporation, New York City, shipped from the State of New York to the State of New Jersey a consignment of a food product labeled "Goldenrod Compound Lemon Flavor Compound of oil lemon Dil. alcohol, Veg. color, Hetfield Ext. & Mfg. Co., New York, N. Y." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Hetfield Extract and Manufacturing Company, and the party from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York against the said Hetfield Extract and Manufacturing Company, charging the above shipment and alleging that the product so shipped was adulterated, in that it consisted of a highly dilute solution of citral in methyl alcohol, containing practically no oil of lemon, and colored with a coal-tar dye.

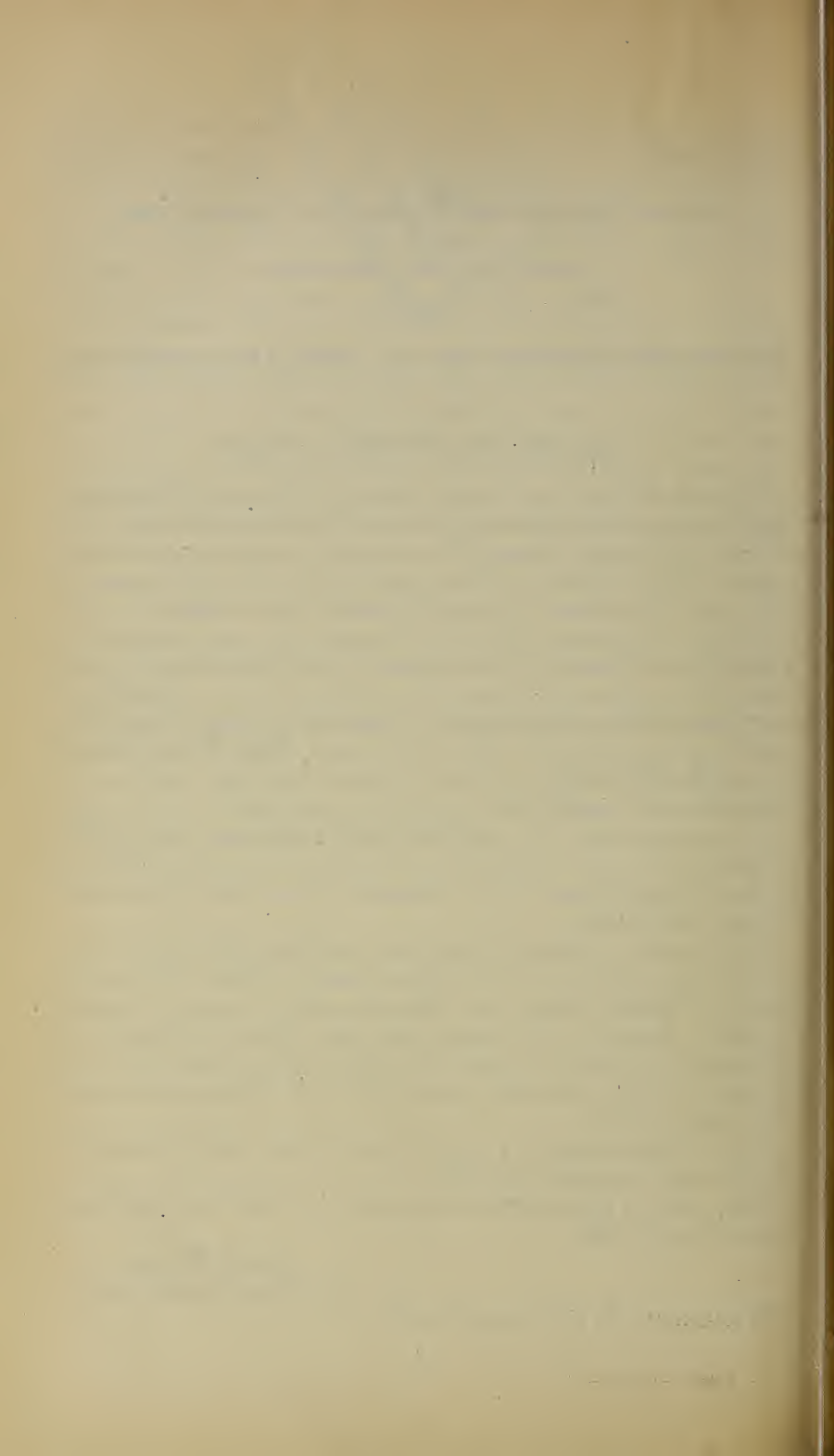
The defendant entered a plea of guilty to the above information and the court imposed a fine of \$5.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 6, 1910.*





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 628, FOOD AND DRUGS ACT.

### ADULTERATION OF MILK.

On or about August 13, 1909, Mike Beam, Delaware, Ind., shipped from the State of Indiana to the State of Ohio four cans of milk. Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Mike Beam and the party from whom the samples were procured opportunities for hearing. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

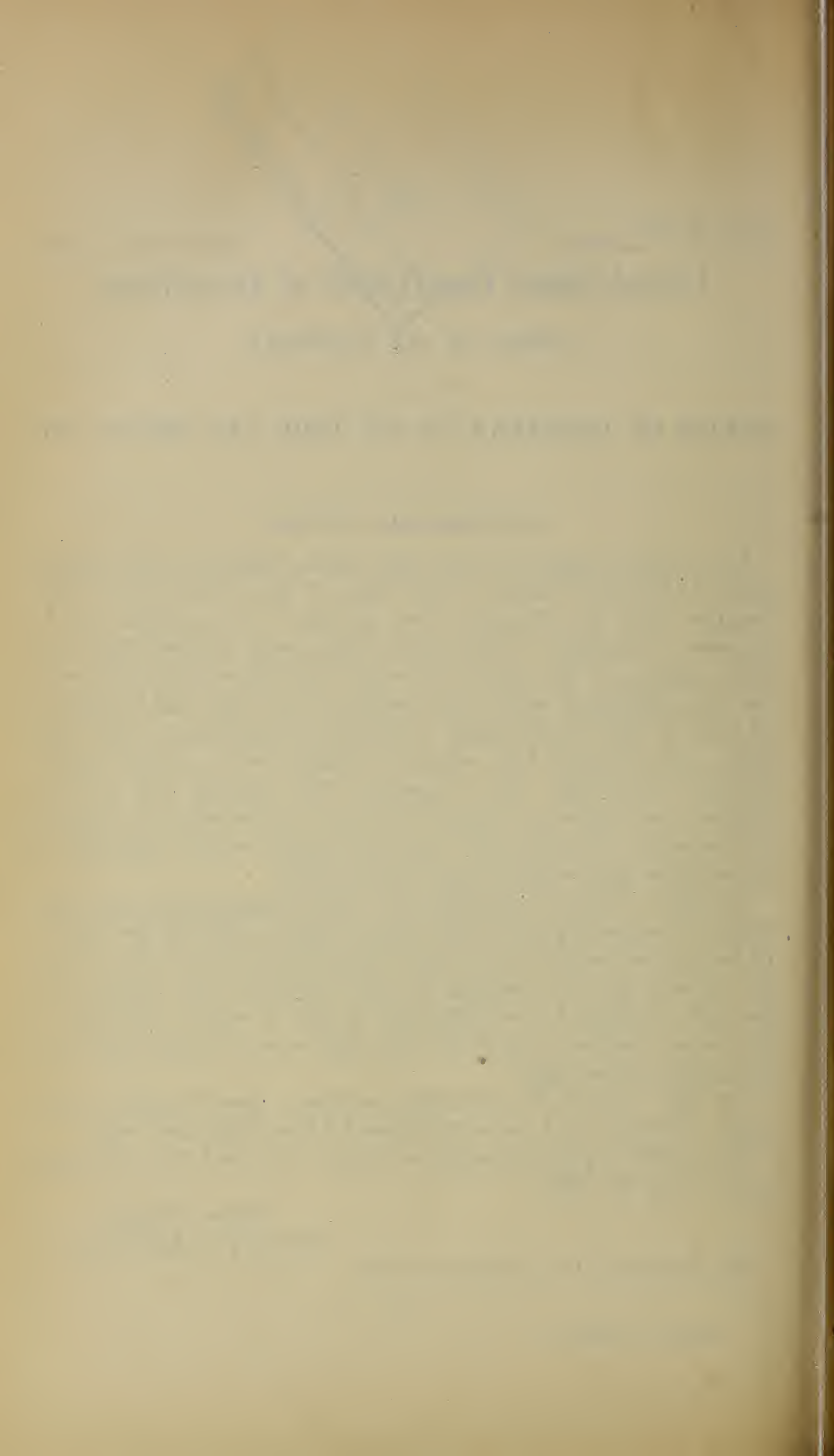
On May 7, 1910, an indictment was returned against the said Mike Beam by the grand jurors of the United States in and for the District of Indiana, at the May term of the District Court of the United States for the said district, charging the above shipment and alleging that the milk so shipped was adulterated in that a certain substance, to wit, water, had been mixed with said milk so as to reduce and lower its quality and strength.

On May 17, 1910, the defendant entered a plea of guilty to the above indictment and the court imposed a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 6, 1910.*



NOV 14 1910

Issued November 12, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 629, FOOD AND DRUGS ACT.

### ADULTERATION OF MILK.

On or about August 10 and August 13, 1909, Joseph Volz, Piercerville, Ind., shipped from the State of Indiana to the State of Ohio twenty-four cans of milk, twelve of said cans being shipped on the former date and twelve on the latter. Samples of these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said Joseph Volz and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

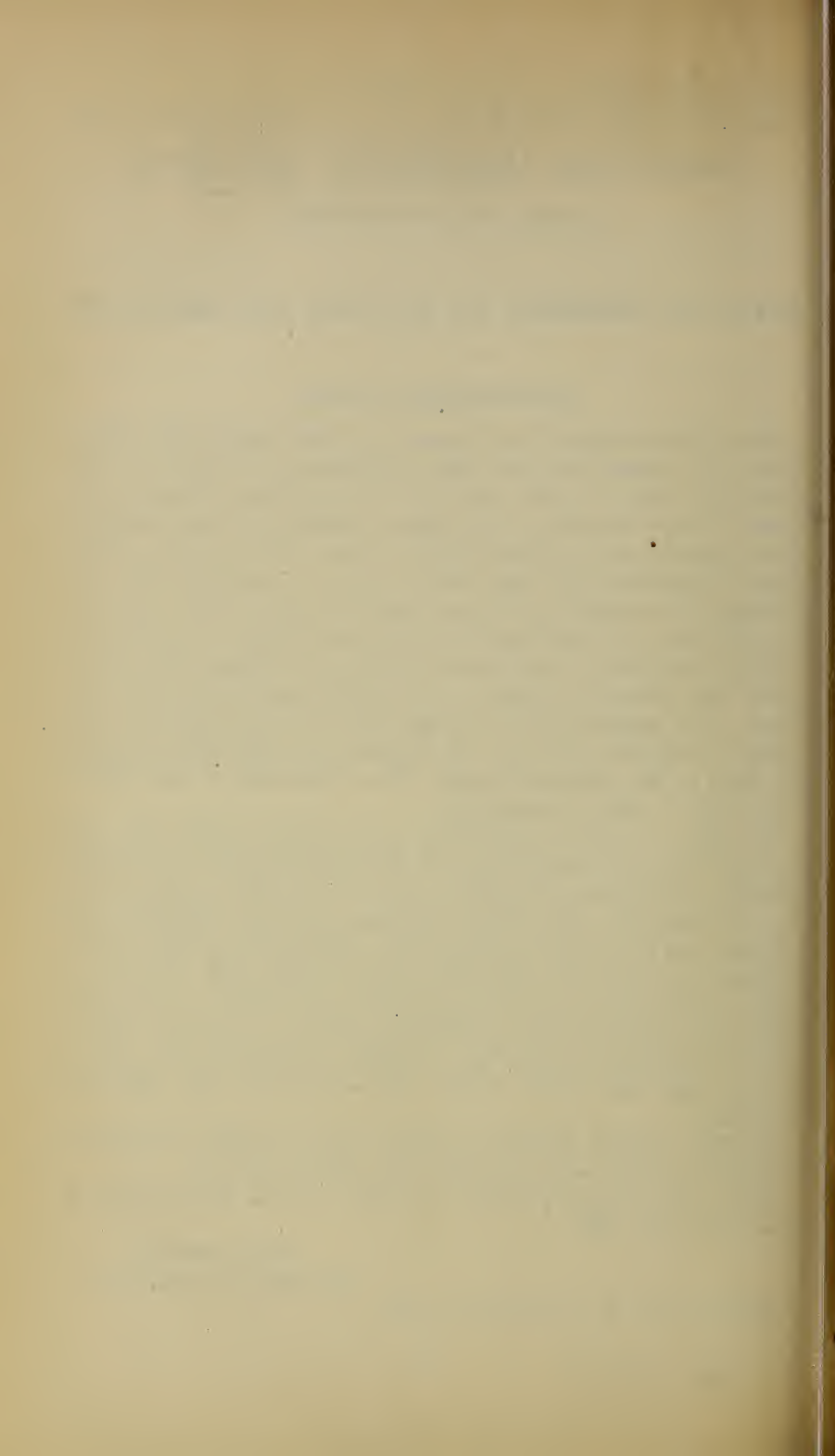
On May 7, 1910, an indictment was returned against the said Joseph Volz by the grand jurors of the United States in and for the District of Indiana, at the May term of the District Court of the United States for said district, charging the above shipments, and alleging that the product so shipped was adulterated, in that a certain substance, to wit, water, had been mixed with the milk contained in eight of said cans so as to reduce and lower its quality and strength, and in that water had been substituted wholly or in part for milk in twelve of said cans, and in that a valuable constituent of the milk in four of said cans, to wit, butter fat, had been in part abstracted therefrom.

On May 17, 1910, defendant entered a plea of guilty to the above indictment and the court imposed a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 6, 1910.*



Issued November 12, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY of Agriculture

## NOTICE OF JUDGMENT NO. 630, FOOD AND DRUGS ACT.

### MISBRANDING OF A DRUG PRODUCT—WELLS' DIME HEADACHE CURE.

On or about February 4, 1909, W. A. Wells, doing business as the Wells Medicine Company, Lafayette, Ind., shipped from the State of Indiana to the State of Michigan a quantity of a drug product labeled "Wells Dime Headache Cure \* \* \* Wells Medicine Company, Lafayette, Indiana." Samples of this shipment were procured and analyzed in the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said W. A. Wells and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

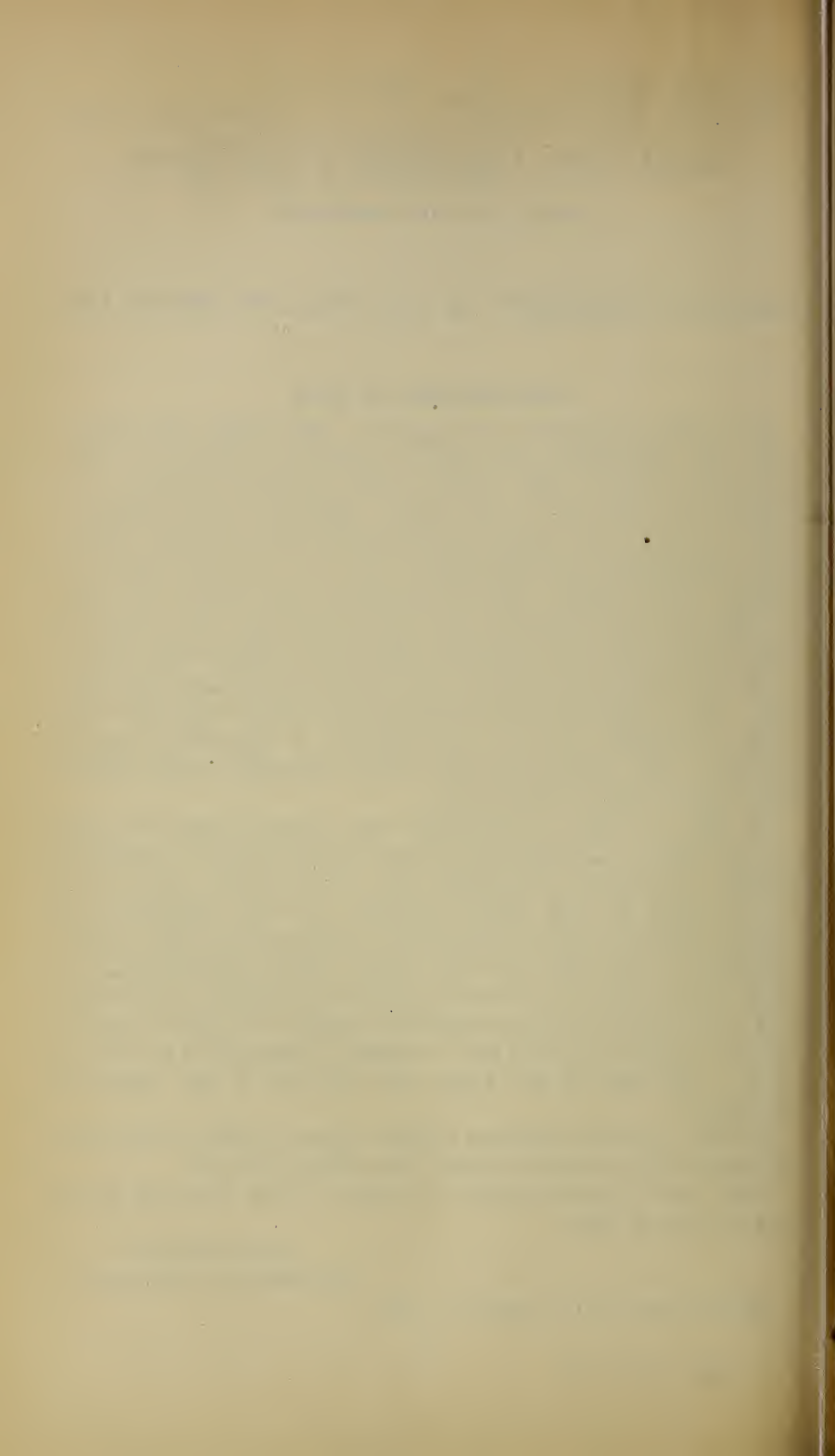
On May 7, 1910, an indictment was returned against the said W. A. Wells by the grand jurors of the United States in and for the District of Indiana at the May term of the District Court of the United States for said district, charging the above shipment, and alleging that the product so shipped was misbranded, in that the statement "Headache Cure" printed on the container thereof regarding the article in question was false and misleading because said article would not cure headache.

On May 17, 1910, defendant entered a plea of guilty to the above indictment and the court imposed a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 6, 1910.*



Issued November 12, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY of Agriculture

## NOTICE OF JUDGMENT NO. 630, FOOD AND DRUGS ACT.

### MISBRANDING OF A DRUG PRODUCT—WELLS' DIME HEADACHE CURE.

On or about February 4, 1909, W. A. Wells, doing business as the Wells Medicine Company, Lafayette, Ind., shipped from the State of Indiana to the State of Michigan a quantity of a drug product labeled "Wells Dime Headache Cure \* \* \* Wells Medicine Company, Lafayette, Indiana." Samples of this shipment were procured and analyzed in the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said W. A. Wells and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

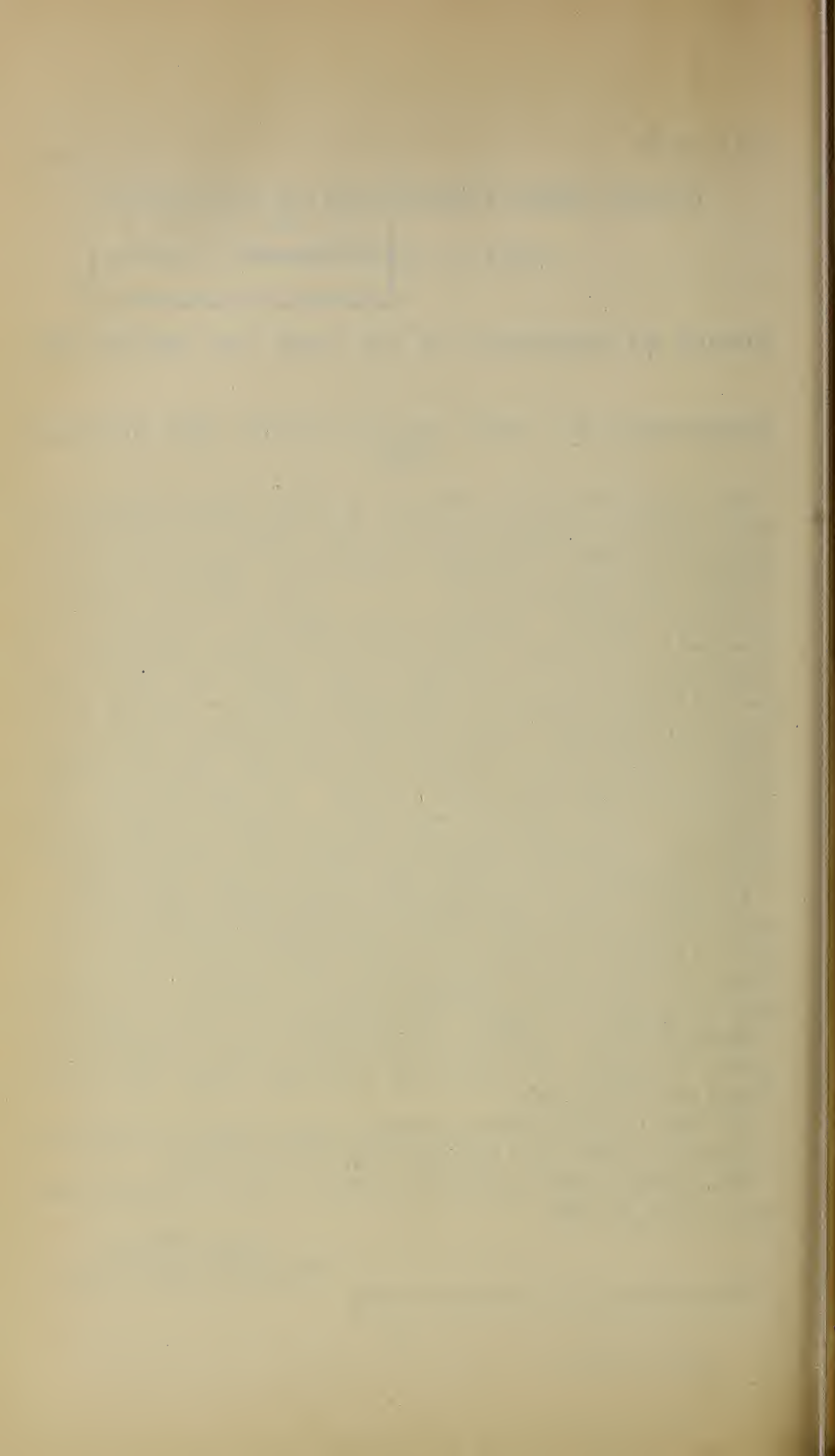
On May 7, 1910, an indictment was returned against the said W. A. Wells by the grand jurors of the United States in and for the District of Indiana at the May term of the District Court of the United States for said district, charging the above shipment, and alleging that the product so shipped was misbranded, in that the statement "Headache Cure" printed on the container thereof regarding the article in question was false and misleading because said article would not cure headache.

On May 17, 1910, defendant entered a plea of guilty to the above indictment and the court imposed a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 6, 1910.*



★ NOV 14 1910 ★  
U. S. Department of Agriculture

Issued November 12, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 631, FOOD AND DRUGS ACT.

### MISBRANDING OF A DRUG PRODUCT—MRS. SUMMERS' HARMLESS HEADACHE REMEDY.

On or about February 3, 1909, Gabriel R. Summers, doing business as Vanderhoof & Co., South Bend, Ind., shipped from the State of Indiana to the State of Michigan a drug product labeled "Mrs. Summers' Harmless Headache Remedy." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon showed that the product was misbranded within the meaning of the Food and Drugs Act, of June 30, 1906, the Secretary of Agriculture afforded the said Gabriel R. Summers and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

On May 7, 1910, an indictment was returned against Gabriel R. Summers by the grand jurors of the United States in and for the District of Indiana, at the May term of the District Court of the United States for said district, charging the above shipment, and alleging that the product so shipped was misbranded, in that the statement "harmless headache remedy" printed on the container thereof was false and misleading, because the said drug was not a harmless remedy, but in truth and in fact was injurious to health, for the reason that said drug contained caffeine, acetanilid, camphor, and sodium salicylate.

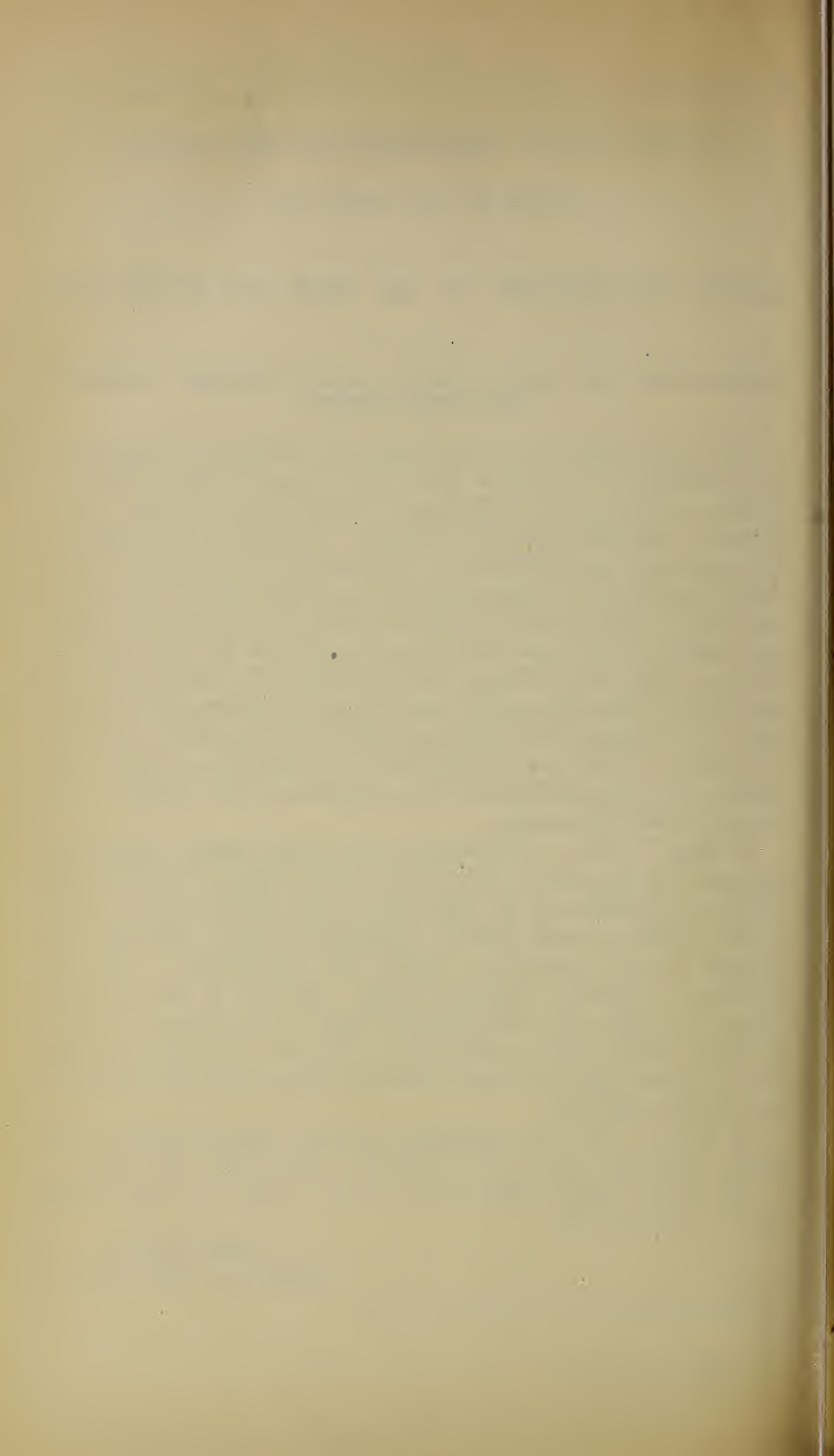
On May 17, 1910, the defendant entered a plea of guilty to the above indictment and the court imposed a fine of \$10 and costs.

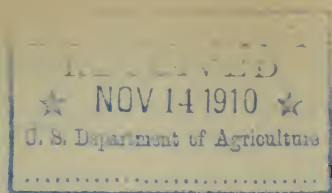
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 6, 1910.*







Issued November 12, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 632, FOOD AND DRUGS ACT.

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#### ADULTERATION OF MILK.

On or about August 10, 1909, Fred E. Kaiser, Milan, Ind., shipped from the State of Indiana to the State of Ohio two cans of milk. Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Fred E. Kaiser and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

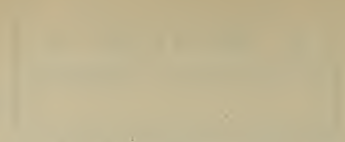
On May 7, 1910, an indictment was returned against the said Fred E. Kaiser by the grand jurors of the United States in and for the District of Indiana at the May term of the District Court of the United States for said district, charging the above shipment, and alleging that the milk so shipped was adulterated, in that a certain substance, to wit, water, had been mixed with said milk so as to reduce and lower its quality and strength.

On May 17, 1910, the defendant entered a plea of guilty to the above indictment and the court imposed a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 6, 1910.*



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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 633, FOOD AND DRUGS ACT.

### MISBRANDING OF A DRUG PRODUCT—SURE POP HEADACHE POWDERS.

On or about July 12, 1909, the Sure Pop Company, a corporation, Terre Haute, Ind., shipped from the State of Indiana to the State of Illinois a quantity of a drug product labeled "Sure Pop Cures Headache and Neuralgia \* \* Prepared by Sure Pop Company, Terre Haute, Indiana. Price 15 Powders, 25 cents, Sure Pop, the Great Nervine. Try it." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Sure Pop Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

On May 7, 1910, an indictment was returned against the said Sure Pop Company by the grand jurors of the United States in and for the District of Indiana, at the May term of the District Court of the United States for said district, charging the above shipment, and alleging that the product so shipped was misbranded in that the statement "Sure Pop cures headache and neuralgia," printed on the container of the product regarding the article contained therein, was false and misleading, because said article is not a cure for headache and neuralgia; in that the statement "The Great Nervine," printed on the container aforesaid regarding said article was false and misleading, because said article is in no sense beneficial to the nerves.

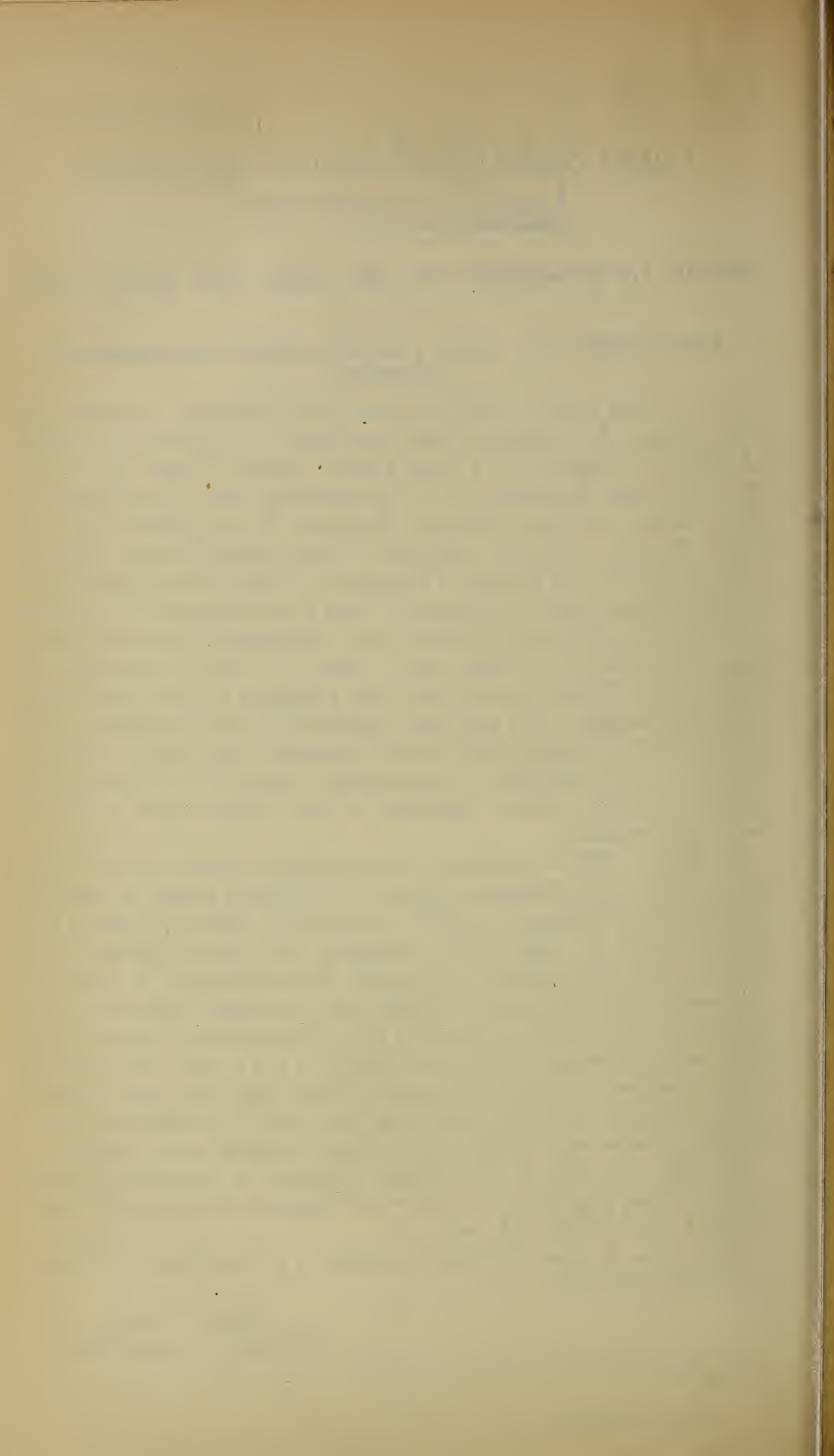
On May 17, 1910, the defendant appeared by its president and entered a plea of guilty to the above indictment, whereupon the court imposed a fine of \$25 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 6, 1910.*

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 634, FOOD AND DRUGS ACT.

### MISBRANDING OF OLIVE OIL.

On or about April 17, 1909, Concetta Palma, doing business as the Lucca Olive Oil Importing Company, shipped from the State of New York to the State of New Jersey a consignment of a food product labeled: "Olio d'Olivia Colombo Brand Marca Depositata. Cotton seed oil. Olive Oil. Compound. Lucca Olive Oil Importing Company, New York, N. Y." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Lucca Olive Oil Importing Company and the party from whom the samples were purchased opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York against the said Concetta Palma, doing business as the Lucca Olive Oil Importing Company, charging the above shipment and alleging that the product so shipped was misbranded, in that the label aforesaid on the container thereof was false and misleading as regards the ingredients or substances contained therein because the words "Olio d'Olivia" and "Olive Oil" appeared in large type, and the statement "Cotton seed oil" appeared thereon in very fine and indistinct type, which fact would mislead the purchaser into believing that the contents of said cans were pure olive oil, whereas in truth and in fact it was a mixture of cotton seed and olive oil, the cotton seed oil constituting over 50 per cent. of the mixture.

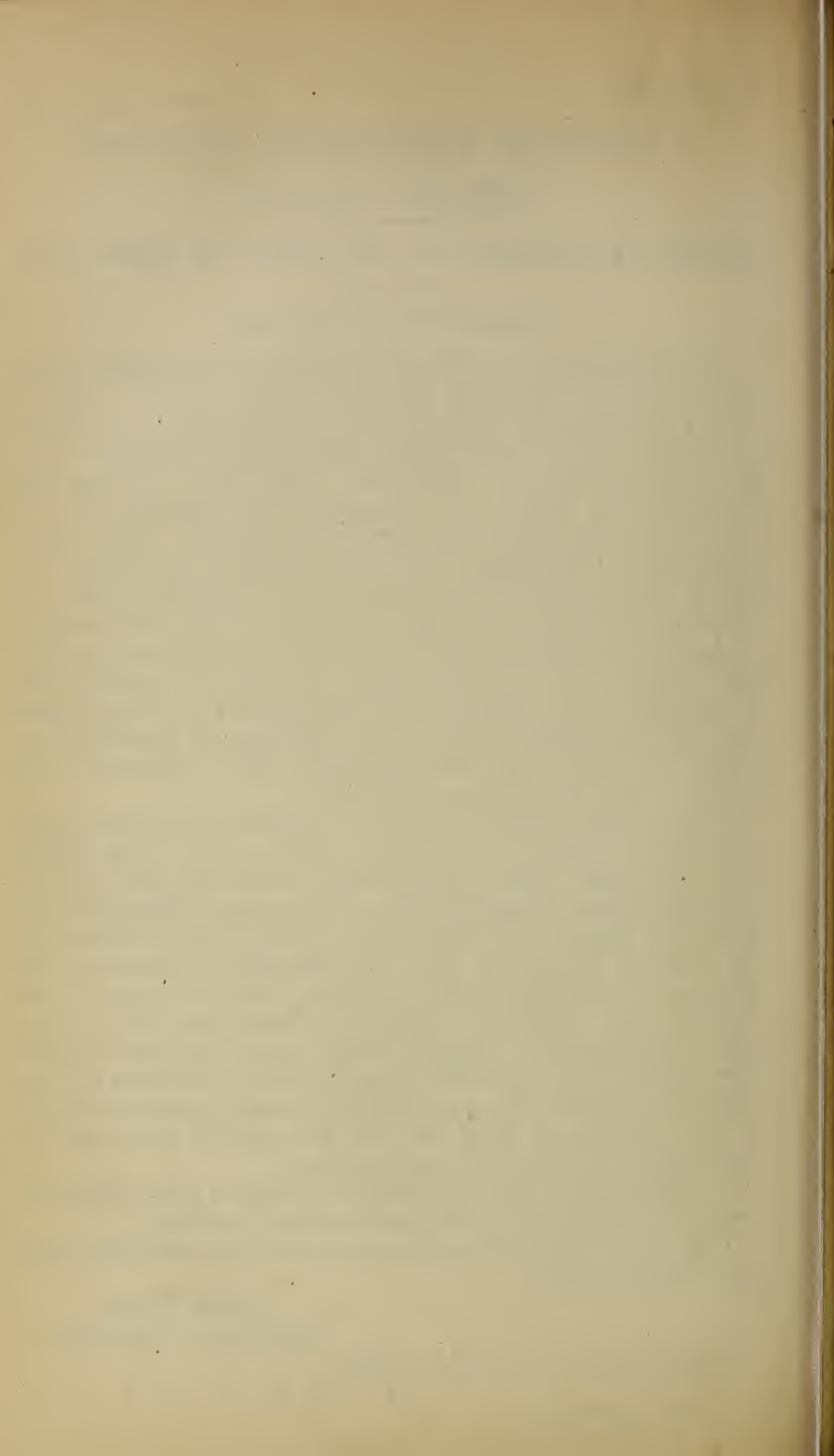
On September 15, 1910, the defendant entered a plea of guilty to the above information, and the court suspended sentence.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 6, 1910.*

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Issued November 12, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 635, FOOD AND DRUGS ACT.

### MISBRANDING OF A DRUG PRODUCT—CANCER CURE.

On or about July 2 and August 8, 1909, A. J. Miller, St. Louis, Mo., shipped from the State of Missouri to the District of Columbia two boxes of ointment sold as a cancer cure. Samples from these shipments were procured and analyzed in the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said A. J. Miller and the parties from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed against the said A. J. Miller in the District Court of the United States for the Eastern District of Missouri, charging the above shipments, and alleging the product so shipped to be misbranded, in that said ointment was sold as and for a cancer cure, and in that it contained about 31.8 per cent of acetanilid, while the container thereof failed to bear a statement on its label of the quantity or proportion of acetanilid contained therein, and failed to bear a statement that said ointment contained acetanilid.

Upon arraignment, the defendant entered a plea of guilty to the above information, whereupon the court imposed a fine of \$25 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 6, 1910.*



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Issued November 12, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 636, FOOD AND DRUGS ACT.

### MISBRANDING OF A DRUG PRODUCT—"MOTHER'S FRIEND."

On or about March 19, 1909, the Bradfield Regulator Company, a corporation, Atlanta, Ga., shipped from the State of Georgia to the State of Pennsylvania a quantity of a drug product labeled on the bottle: "The Mother's Friend. For the relief of the suffering incident to child birth. The Bradfield Regulator Company, Sole Proprietor, Atlanta, Ga. \* \* \* This is one of the greatest friends to those expecting to be confined. It is a remedy upon which confidence can be placed, one that will assist in a safe and quick delivery, and one that shortens the duration of labor." A circular packed with the produce bore the following statements: "We offer you \* \* \* an agent which will, if used as directed, invariably alleviate in a most magical way the pains, horrors and risks of labor, and often entirely do away with them. It not only shortens labor and lessens the pain attending it, but it greatly diminishes the danger to the lives of both mother and child. It leaves her much less liable to floodings and convulsions and other alarming symptoms which so frequently follow the birth."

Samples of this shipment were procured and analyzed in the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Bradfield Regulator Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

On August 20, 1909, a criminal information was filed against the said Bradfield Regulator Company in the Circuit Court of the United States for the Southern District of Georgia, charging the above shipment, and alleging that the product was misbranded, in that the packages containing said drug bore statements regarding the same which were misleading in the following particulars, to wit, in that said Mother's Friend was not a "remedy upon which confidence could be placed; one that will assist in a safe and quick delivery, and one that shortens the duration of labor"; in that said Mother's Friend will not "invariably alleviate in a most magical way the pains and risks of labor, and often entirely do away with them"; in that there was nothing in said product to warrant the statement that "it not only shortens labor and lessens the pain attending it, but it greatly diminishes the danger to the lives of both mother and child; it leaves her much less liable to flooding and convulsions, and other alarming symptoms which so frequently follow the birth," and that the said statements are deceptive and misleading.

On February 1, 1910, the defendant entered a plea of guilty to the above information, whereupon the court imposed a fine of \$25 and costs of prosecution.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 6, 1910.*

Issued November 12, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 637, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF LEMON EXTRACT.

On or about December 7, 1909, the Symns-Utah Grocery Company, Salt Lake City, Utah, shipped from the State of Utah to the State of Nevada a quantity of an alleged extract of lemon in bottles labeled "Double Strength, Concentrated Extract of Lemon, Symns-Utah Grocery Company, Salt Lake City, Utah." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made thereon that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Symns-Utah Grocery Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

On July 25, 1910, a criminal information was filed against the said Symns-Utah Grocery Company in the District Court of the United States for the District of Utah, charging the above shipment, and alleging the product so shipped to be adulterated and misbranded, in that the contents of each of said bottles was not extract of lemon, as represented by said label, but was a dilute terpeneless extract of lemon, artificially colored with a yellow dye so as to simulate the color of genuine lemon extract, and so as to conceal the fact that it was a dilute terpeneless extract of lemon; in that said substance had been mixed and packed with the other contents of said bottles so as to reduce, lower, and injuriously affect the quality and strength of the product; in that a dilute terpeneless extract of lemon had been substituted for lemon extract, and in that each of said bottles contained

only a trace of oil of lemon, whereby the strength and purity of the product were below the professed standard and quality for which it was sold.

On August 6, 1910, the cause came on for hearing, and defendant entered a plea of guilty to the above information, whereupon the court imposed a fine of \$25 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 6, 1910.*

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 638, FOOD AND DRUGS ACT.

### ADULTERATION OF MILK.

On or about August 10, 1909, Lewis Schutte, Delaware, Ind., shipped from the State of Indiana to the State of Ohio nine cans of milk. Samples of this product were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Lewis Schutte and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

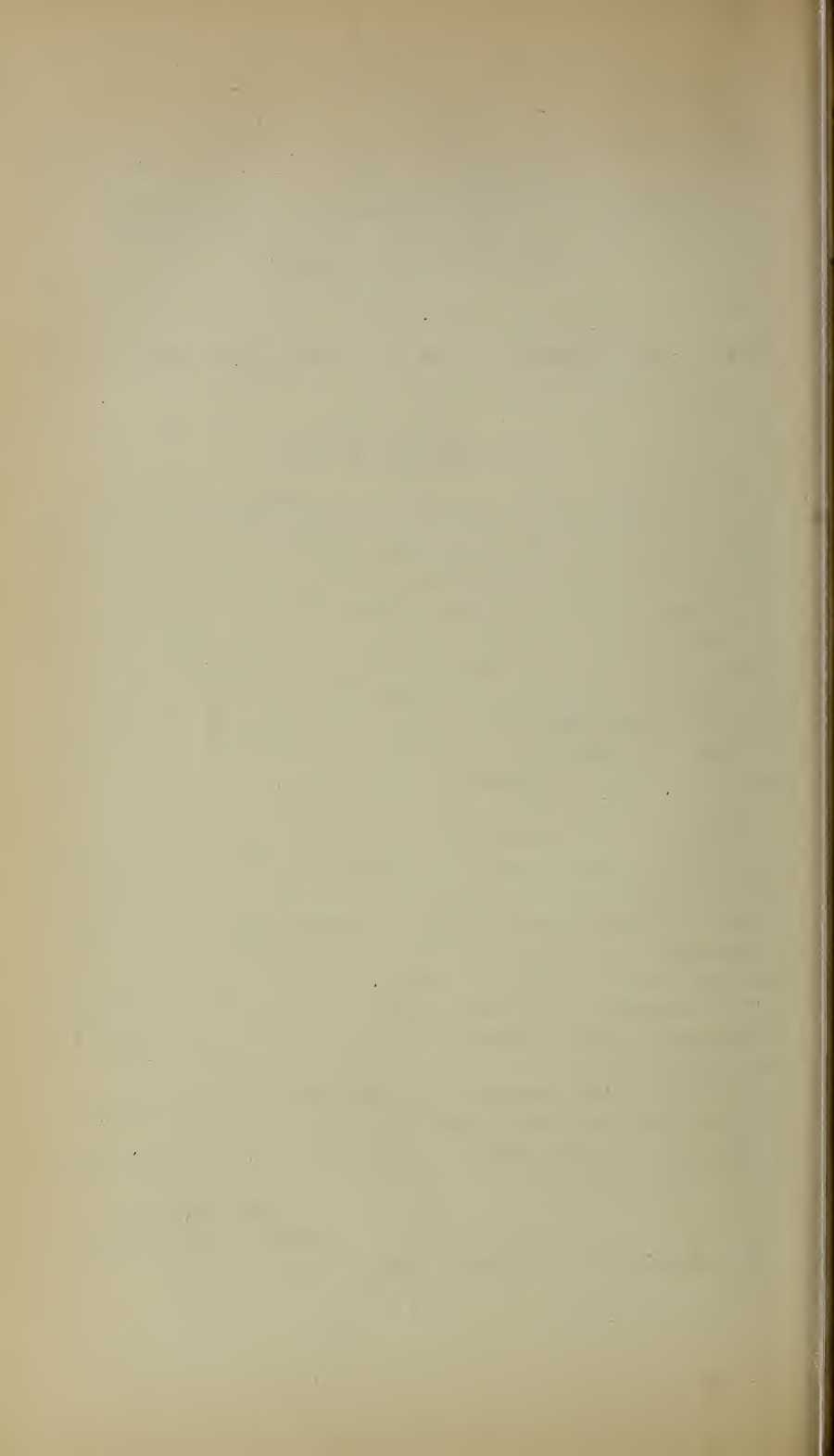
On May 7, 1910, an indictment was returned against the said Lewis Schutte by the grand jurors of the United States in and for the District of Indiana, at the May term of the District Court of the United States for the said district, charging the above shipment, and alleging in the case of six of said cans that a certain substance, to wit, water, had been mixed with the milk therein contained, so as to reduce and lower its quality and strength, and in that in the case of the other three cans, a certain substance, to wit, water, had been substituted in part for said milk.

On May 17, 1910, defendant entered a plea of guilty to the above indictment and the court imposed a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 6, 1910.*



Issued November 12, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 639, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF MINCE-MEAT.

On or about October 15 and 28, 1909, Ervin A. Rice Company, a corporation, Chicago, shipped from the State of Illinois to the State of New York two consignments of two and three casks, respectively, of a food product labeled: "Gilt-edge Brand Wet Mincemeat, Ervin A. Rice Company, Chicago, Illinois." Samples of these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Ervin A. Rice Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

On August 24, 1910, a criminal information was filed against the said Ervin A. Rice Company in the District Court of the United States for the Northern District of Illinois, charging the above shipments and alleging that the product so shipped was adulterated, in that a certain substance, to wit, commercial glucose, had been mixed and packed with the said article, thereby reducing, altering, and injuriously affecting its quality and strength; in that said commercial glucose had been substituted in part for the said article; in that said commercial glucose had been substituted in whole or in part for sugar, which is one of the ancient and well-known and essential ingredients of mince-meat, and alleging that the product was misbranded, in that

the article was an imitation of another article, to wit, genuine mince-meat made with sugar, and in that the label aforesaid did not state the fact that commercial glucose had been substituted in whole or in part for sugar.

On August 25, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$25 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 6, 1910.*



# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 640, FOOD AND DRUGS ACT.

### MISBRANDING OF VANILLA EXTRACT.

On or about March 8, 1910, the Crown Manufacturing Company, a corporation, New York City, shipped from the State of New York to the State of New Jersey a consignment of a food product labeled: "Vanilla. Scientifically prepared. Colored with harmless color. Serial No. 4664. Crown Manufacturing Company. New York. St. Louis." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Crown Manufacturing Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York against the said Crown Manufacturing Company, charging the above shipment and alleging that the product so shipped was misbranded, in that the word "Vanilla" on the label aforesaid appeared in large type, and the words "Scientifically prepared. Colored with harmless color." appeared in very small type, which fact would mislead the purchaser into believing that the said bottle contained extract of pure vanilla, whereas in truth and in fact it was labeled in a manner whereby its inferiority was concealed and was an imitation extract of vanilla, artificially colored.

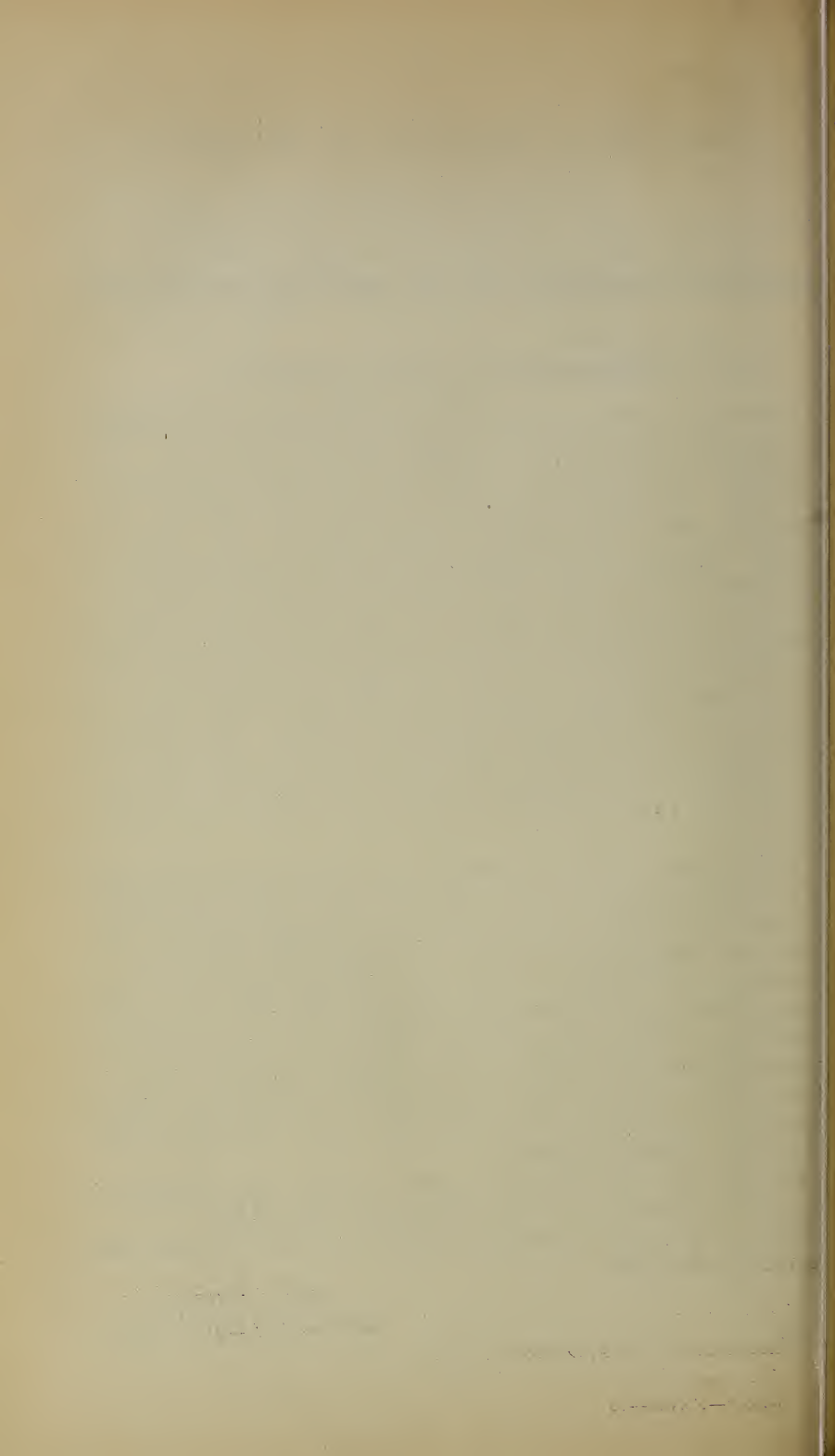
On September 15, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$15.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 6, 1910.*

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 641, FOOD AND DRUGS ACT.

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### MISBRANDING OF CURRANT JAM.

On or about August 5, 1909, Samuel Y. Sauber, doing business as the Home Fruit Company, New York City, shipped from the State of New York to the State of New Jersey a consignment of a food product labeled: "Finest quality Currants. Choice Home Made Pure Jam. Made from fresh fruit, gran. sugar and 10% apple juice. Serial No. 23237. S. Y. Sauber, Prop. 1706 Park Ave., New York City." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Samuel Y. Sauber and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

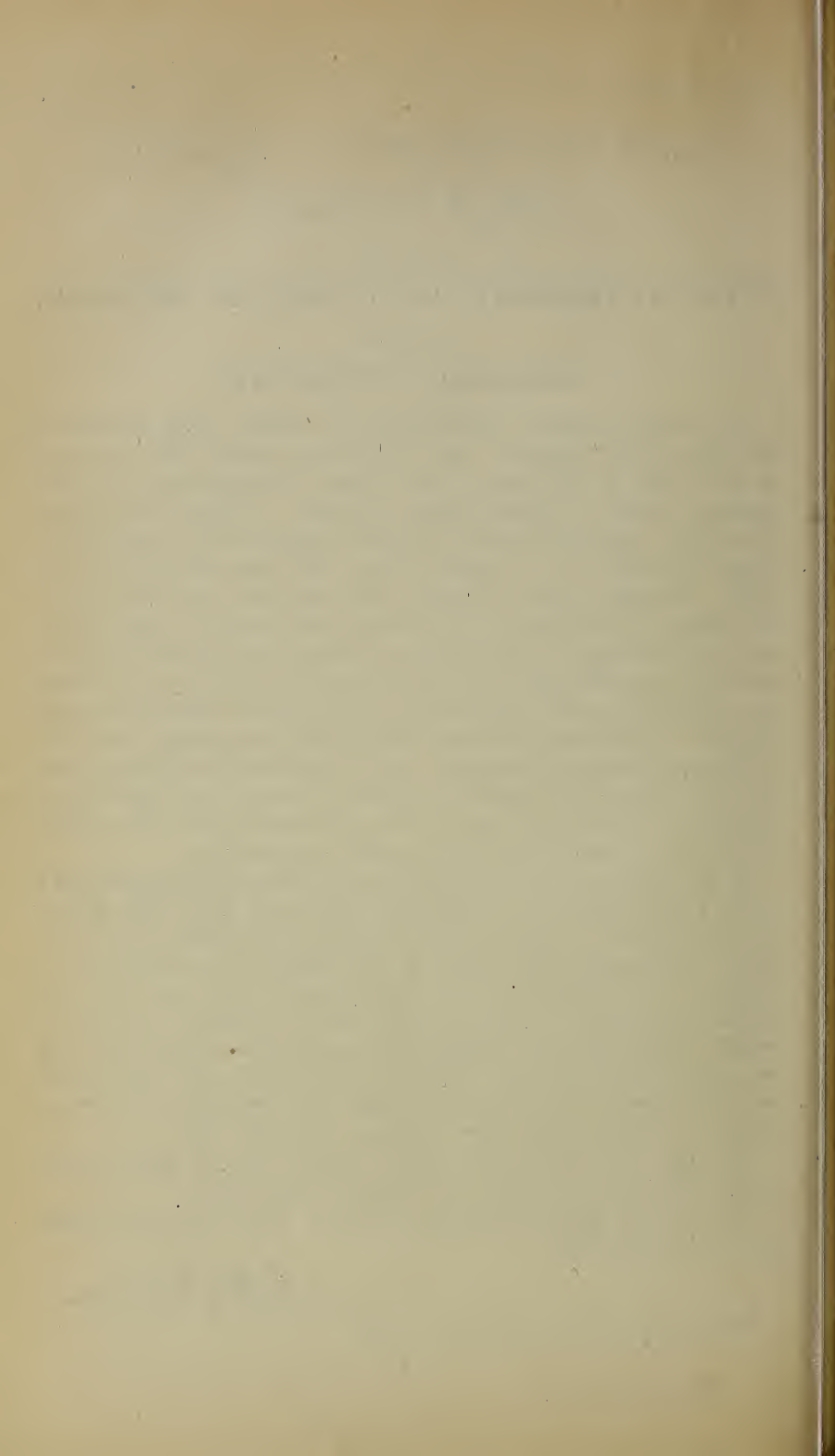
In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York against the said Samuel Y. Sauber, doing business as the Home Fruit Company, charging the above shipment and alleging that the product so shipped was misbranded, in that the aforesaid label was false and misleading because it would indicate that the contents of the jar in which the said food was shipped as aforesaid was currant jam and was made from fresh fruit, whereas in truth and in fact the product was not currant jam and was not made from fresh fruit, but was a mixture of water, sugar, dried currants, and apple juice.

On April 20, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$10.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 6, 1910.*



# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 642, FOOD AND DRUGS ACT.

### ADULTERATION OF VINEGAR.

On or about January 5, 1910, Prussing Brothers, a corporation, Chicago, Ill., shipped from the State of Illinois to the State of Indiana a consignment of a food product in barrels, each of which barrels was labeled: "Prussing Bros. Pure Cider Vinegar 50 gallons 40 grain Chicago, Ill. Mills, Montague, Mich." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said Prussing Brothers and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

On August 24, 1910, a criminal information was filed against the said Prussing Brothers in the District Court of the United States for the Northern District of Illinois, charging the above shipment and alleging that the product so shipped was adulterated, in that it was labeled as pure cider vinegar, when in truth and in fact other substances had been substituted wholly for said article, and in that it was a mixture of a foreign matter high in reducing sugars and containing foreign ash material and diluted with water in imitation of pure distilled vinegar, which said substances had been mixed and packed with the product so as to reduce and lower and injuriously affect its quality and strength.

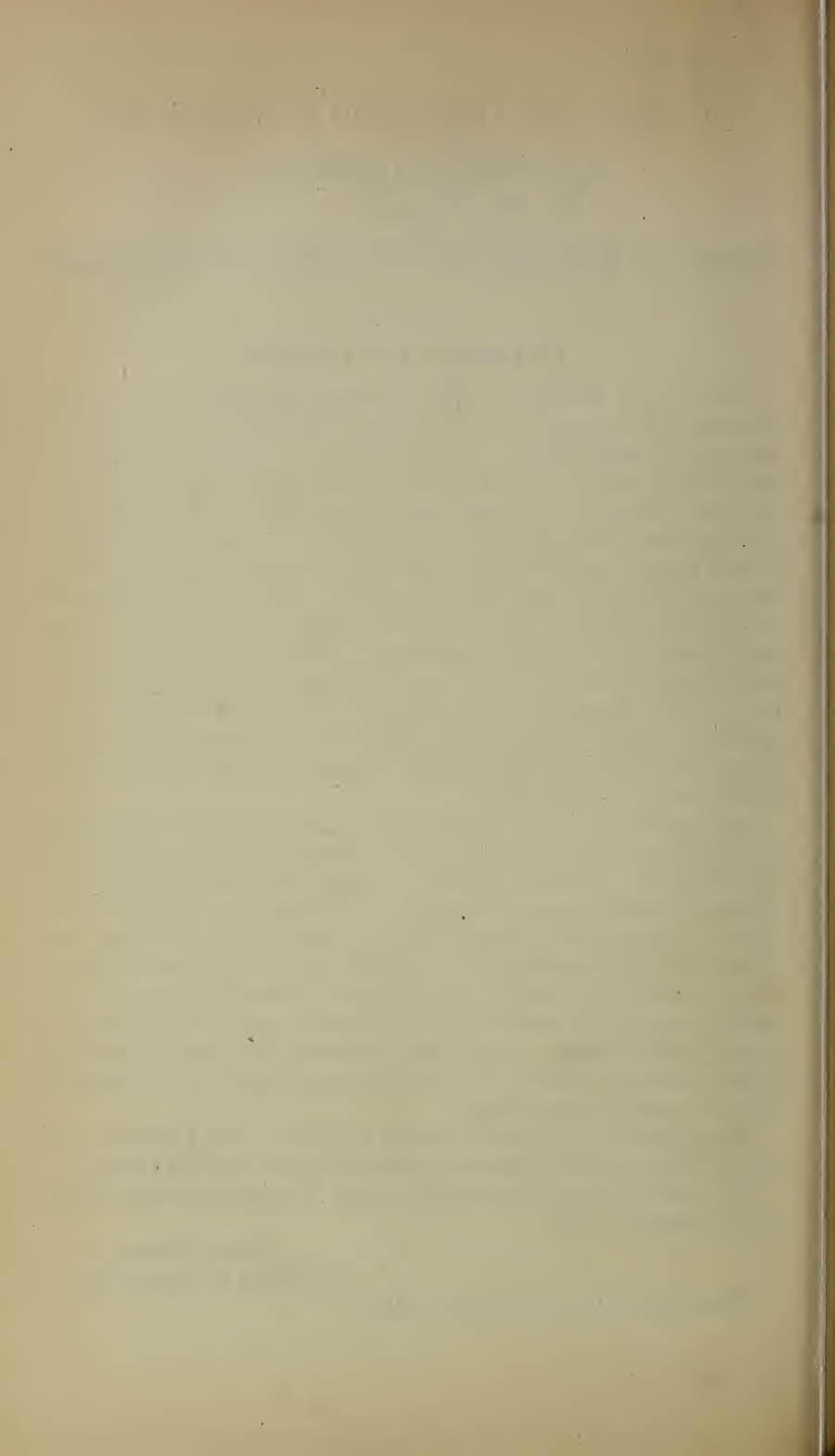
On August 25, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$25 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 6, 1910.*





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 643, FOOD AND DRUGS ACT.

### MISBRANDING OF A DRUG PRODUCT—DR. PETERS' HEADACHE POWDERS.

On or about January 28, 1909, the Delaware Drug Company, a corporation, Hancock, N. Y., shipped from the State of New York to the State of Michigan a quantity of a drug product labeled "Dr. Peters' Headache Powders 1 oz. 280 grains phenylacetamide. They will relieve headache, neuralgia, pains in any part of the body in 15 minutes. Guaranteed under the Food and Drugs Act of June 30, 1906. Serial No. 1216. Delaware Drug Co., Hancock, N. Y." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Delaware Drug Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Northern District of New York against the said Delaware Drug Company, charging the above shipment and alleging that the product so shipped was misbranded, in that the said label and the representations and statements contained thereon were false and misleading and intended and calculated to deceive, because the container of the product failed to bear any statement of the quantity or proportion of acetanilid present in said drug, which in truth and in fact contained a certain proportion of acetanilid.

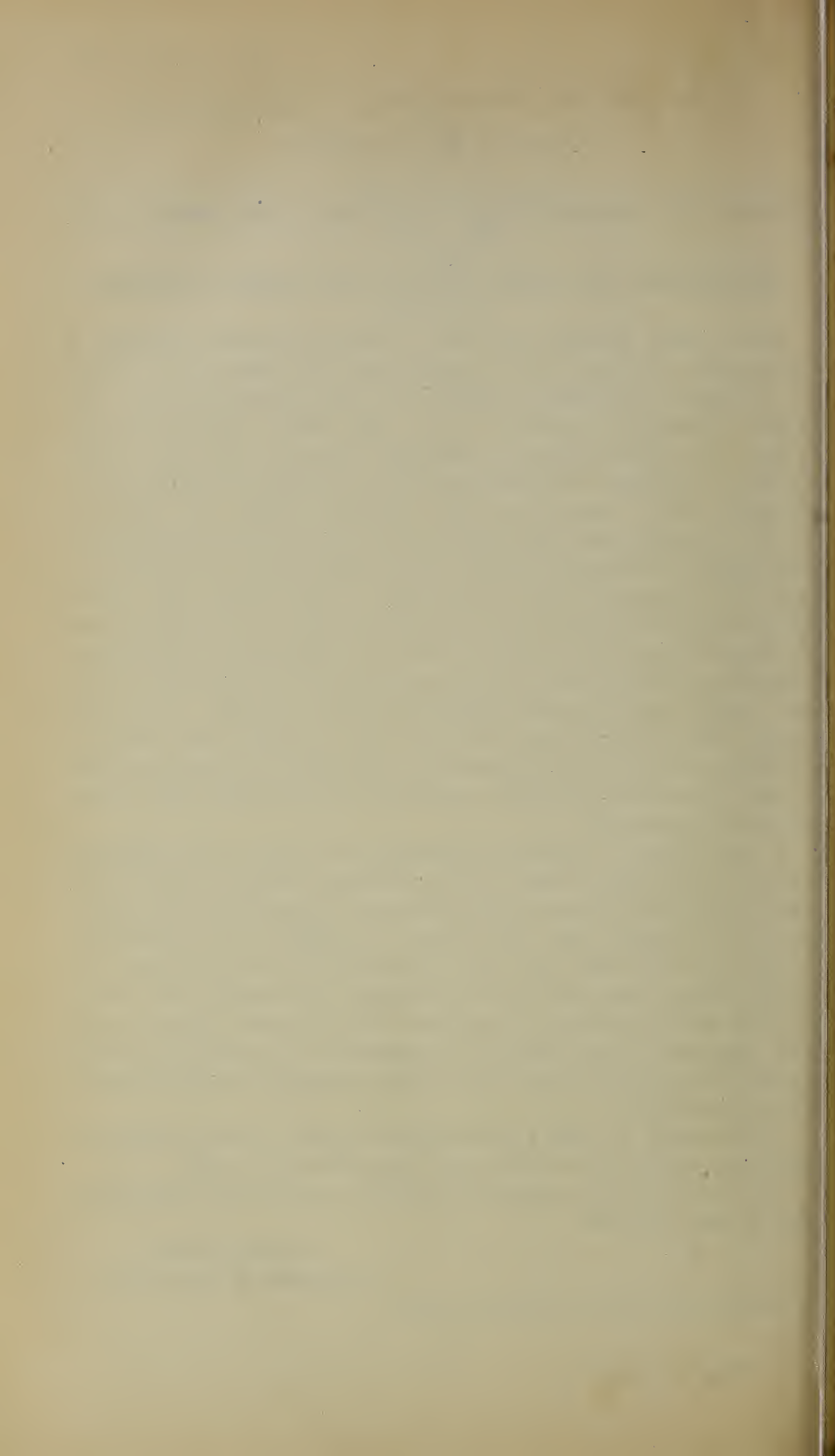
On December 8, 1909, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$50.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 6, 1910.*





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 644, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF LEMON EXTRACT.

On or about June 4, 1908, the Hall-Whitney Manufacturing Company, a corporation, Binghamton, N. Y., shipped from the State of New York to the State of Indiana a quantity of a food product labeled "Finest quality. E. & E. Trade Mark. Strictly Pure Flavoring Extract of lemon. Color simulated. Guaranteed under the Food and Drugs Act of June 30, 1906. Serial No. 2959. Distributors Erwin & Eberwine, Evansville, Ind." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Hall-Whitney Manufacturing Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Northern District of New York against the said Hall-Whitney Manufacturing Company, charging the above shipment and alleging that the product so shipped was adulterated, in that dilute extract of lemon had been unlawfully and knowingly substituted wholly or in part for strictly pure flavoring extract of lemon, which the product purported to be; and alleging that the product was misbranded, in that the label and the representations and statements contained thereon were false and misleading and intended and calculated to deceive the purchaser of the product,

because said label and printed statements represented the product to be strictly pure flavoring extract of lemon when, in truth and in fact, it was not a strictly pure extract of lemon, but was in fact adulterated by the substitution of the dilute extract of lemon.

On December 8, 1909, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$100.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 6, 1910.*



# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 645, FOOD AND DRUGS ACT.

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#### ADULTERATION AND MISBRANDING OF VINEGAR.

On or about December 9, 1908, the Steinhorst-Morrin Pickle Company, a corporation, Kansas City, Mo., shipped from the State of Missouri to the State of Texas 20 barrels of liquid, each of which barrels was labeled on one end "Eagle Brand Vinegar. Steinhorst-Morrin Pickle Co., Kansas City, U. S. A.," and on the other end "Corn Vinegar. Distilled 8 per cent. Caramel color. 49 gallons. Turner & Dinger;" and on or about March 22, 1909, the said Steinhorst-Morrin Pickle Company shipped from the State of Missouri to the Territory of Arizona 2 barrels of liquid, each of which barrels bore on one end the same label as the first above set forth, and on the other end "Corn Vinegar. Distilled 9 per cent. Caramel colored. 49 gal. Bottoms & T. Prescott, Ariz." Samples from these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Steinhorst-Morrin Pickle Company and the parties from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course two criminal informations were filed in the District Court of the United States for the Western District of Missouri against the said Steinhorst-Morrin Pickle Company, charging the said two shipments and alleging that the product so shipped was adulterated, in that dilute acetic acid had been mixed and packed

therewith so as to reduce, lower, and injuriously affect the quality and strength of said product, and in that the liquid had been colored with caramel in a manner whereby it was made to resemble and counterfeit vinegar and whereby damage and inferiority of the product was concealed; and alleging the product to be misbranded, in that it was labeled as above set forth, when, in truth and in fact, the product was an imitation of cider vinegar offered for sale under the distinctive name of another and different article than the contents of the above mentioned barrels, the said labels being such as to deceive and mislead purchasers of the product.

On May 13, 1910, the defendant entered a plea of nolo contendere to each of the above informations and the court imposed a fine of \$25 and costs in each case.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 6, 1910.*

Issued November 12, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 646, FOOD AND DRUGS ACT.

### MISBRANDING OF A DRUG PRODUCT—COCAINE.

On or about July 20 and 23, 1909, Charles Crescelius, New Albany, Ind., shipped from the State of Indiana to the State of Kentucky two boxes of a drug product, sold as cocaine. Samples of these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Charles Crescelius and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

On May 7, 1910, an indictment was returned against the said Charles Crescelius by the grand jurors of the United States in and for the District of Indiana, at the May term of the District Court of the United States for said district, charging the above shipments, and alleging that the product so shipped was misbranded, in that the two boxes aforesaid contained 80.34 per cent acetanilid and 19.64 per cent cocaine hydrochloride, and the label of said boxes failed to bear any statement of the proportion of acetanilid and cocaine hydrochloride contained therein.

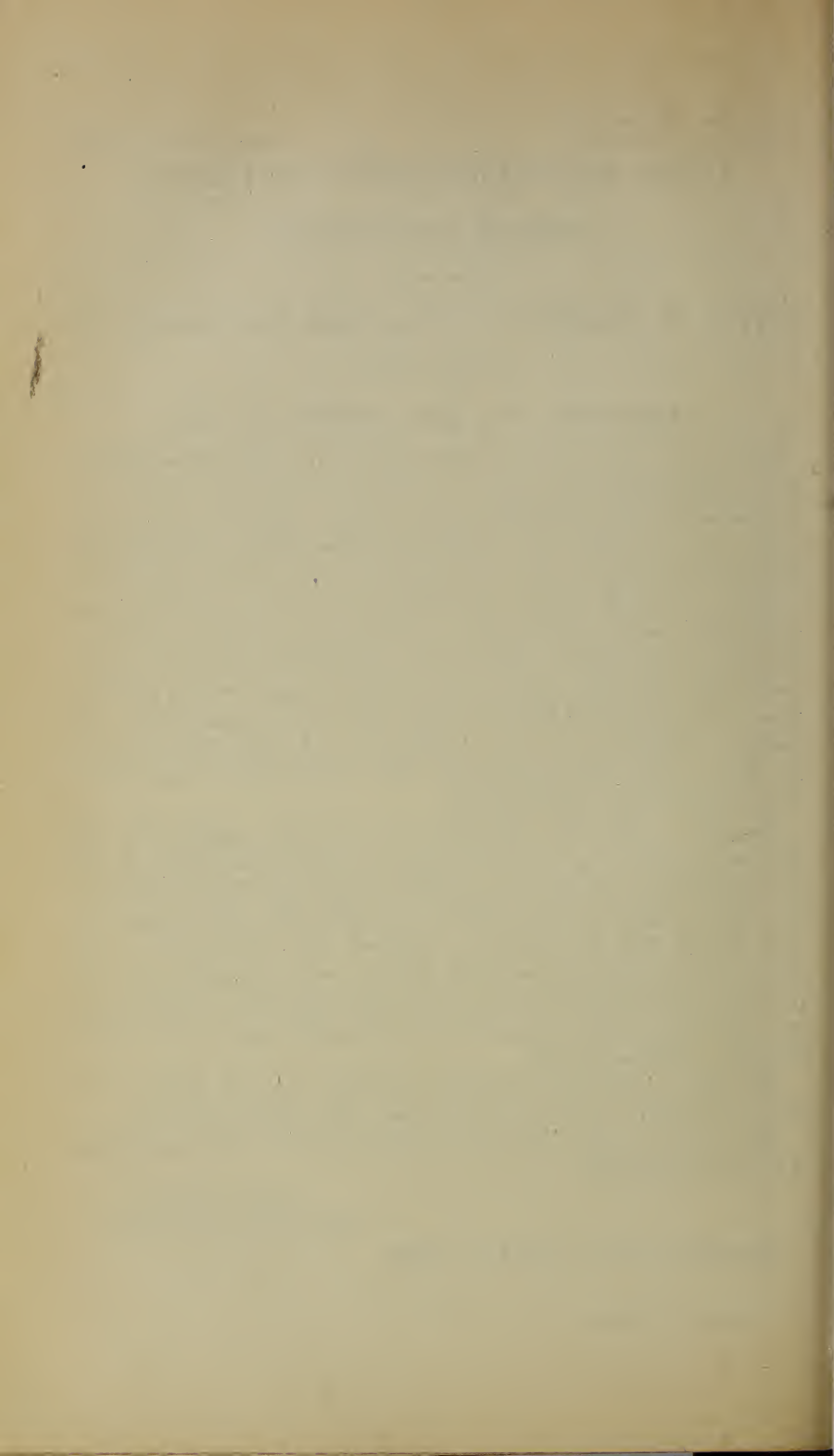
On May 17, 1910, the defendant entered a plea of guilty to the above indictment and the court imposed a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 6, 1910.*





Issued November 12, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 647, FOOD AND DRUGS ACT.

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### ADULTERATION OF OLIVES.

On or about December 20, 1909, Psaki Brothers, a corporation, New York City, shipped from the State of New York to the State of Pennsylvania five barrels of olives. Examination of samples of this shipment showed that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania.

In due course a libel was filed in the District Court of the United States for said district against the said five barrels of olives, charging the above shipment and alleging that the product so shipped was adulterated, in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, and praying seizure and condemnation of the product.

On September 16, 1910, the cause came on for hearing, and no claimant to the product having appeared and no answer having been filed, the court, being fully informed in the premises, issued its decree condemning and forfeiting the said barrels of olives to the use of the United States for the causes in the said libel set forth, and ordering the destruction thereof by the marshal of said district, which order was forthwith executed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 6, 1910.*





Issued November 12, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 648, FOOD AND DRUGS ACT.

### ADULTERATION OF OLIVES.

On or about February 4, 1910, P. Pastene & Co., a corporation, New York City, shipped from the State of New York to the State of Pennsylvania 9 barrels of olives. Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report thereon that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania.

In due course a libel was filed in the District Court of the United States for said district, charging the above shipment, alleging the product so shipped to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, and praying seizure and condemnation of the product. Thereupon said P. Pastene & Co. intervened and filed an answer denying the allegations of said libel. The cause coming on for hearing, the issues were tried by the court without a jury and the evidence and arguments of counsel on the part of both parties having been heard and considered, the court rendered the following opinion:

#### OPINION.

Hon. J. B. McPHERSON, *District Judge.*

The food product under inquiry in this case is black olives imported from Greece. The shipment was seized under the authority of section 10 of the Food and Drugs Act of 1906. The importer appeared and claimed the goods, and a trial was had before the court without a jury in which witnesses were examined and other evidence was produced.

The claimant objects to the jurisdiction of the court on the ground that no preliminary hearing was had by the Secretary of Agriculture in accordance with the provisions of section 4. To this it is enough to reply that section 10 of the act under which the present seizure was made is independent of section 4. This has already been decided by Judge Norris in *United States v. 50 Barrels of Whiskey*, 165 Fed., 966, and by Judge Dayton in *United States v. 50 Casks, etc.*, 170 Fed., 449, and I agree with the result of these decisions. The precise scope of section 4 need not now be determined; it is enough to say for the present that it does not apply to a libel for forfeiture. Under section 10 provision is made for a hearing in court under this well known process according to the practice of the district court in admiralty, and a preliminary hearing going over the same ground would be superfluous. Of course if the act required such a hearing the court would obey the statute, but in my opinion the procedure under section 10 is complete in itself, and is not a mere continuation of the proceeding referred to in section 4.

Another defense is that the claimant has given the bond required by section 11, and that the acceptance of this bond by the government is equivalent to an official declaration that the olives had been found to comply with the act. I do not so understand the section, which reads as follows:

"The Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request from time to time, samples of foods and drugs which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture, and have the right to introduce testimony, and if it appear from the examination of such samples that any article of food or drug offered to be imported into the United States is adulterated or misbranded within the meaning of this act or is otherwise dangerous to the health of the people of the United States or is of a kind forbidden entry into, or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, such consignee shall forfeit the full amount of the bond: *And provided further*, That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importations made by such owner or consignee."

In other words, if an examination is in progress before the Secretary of Agriculture the importer may take the risk that the result will be what he desires, and may obtain possession of the goods by giving bond to return them in case the result should be adverse. This section does not appear to be so connected with section 10 as to present any obstacle to the remedy by forfeiture.

It only remains to add that, having heard and considered the evidence and the arguments of counsel, I am of opinion, and so find, that the olives in ques-

tion consist in whole or in part of a decomposed vegetable substance and should therefore be condemned.

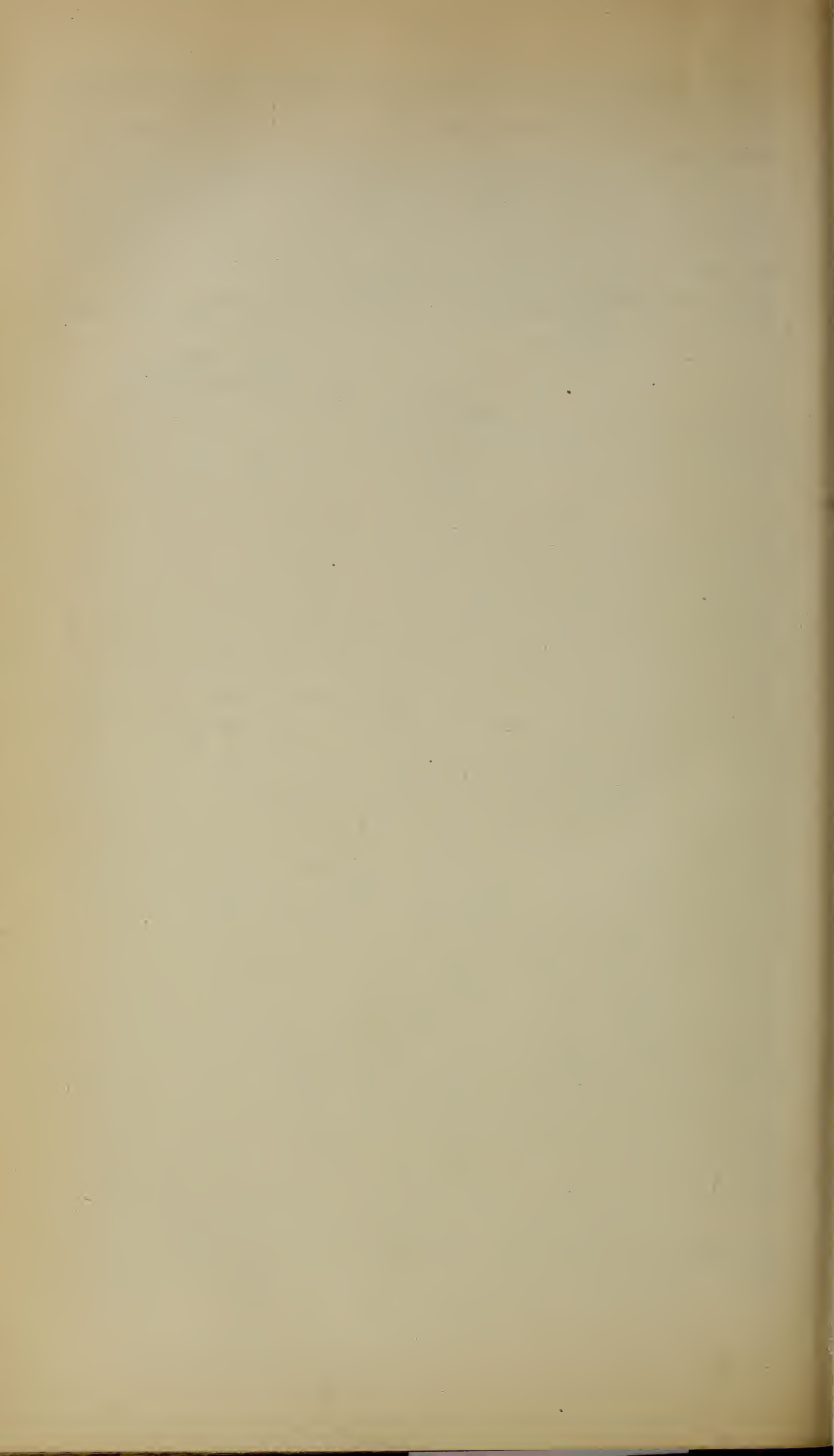
An appropriate judgment may be entered in favor of the United States.

Whereupon, on motion of the United States attorney for said district, the court issued its decree, condemning and forfeiting the said nine barrels of olives to the United States for the cause in said libel set forth, and ordering their destruction by the marshal of said district, which order was forthwith executed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 6, 1910.*



# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 649, FOOD AND DRUGS ACT.

### ADULTERATION OF OLIVES.

On or about December 20, 1909, Psaki Brothers, a corporation, New York City, shipped from the State of New York to the State of Pennsylvania 10 barrels of olives. Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report thereon that said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania.

In due course a libel was filed in the District Court of the United States for said district against the said 10 barrels of olives, charging the above shipment, and alleging the product so shipped to be adulterated, in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, and praying seizure and condemnation of the product. Thereupon the said Psaki Brothers entered its appearance and filed an answer denying the allegations of the libel. The cause coming on for hearing, the issues were tried before a jury. After hearing the testimony and arguments of counsel for the respective parties, the jury was charged by the court as follows:

#### CHARGE OF THE COURT.

Hon. J. B. McPHERSON, *District Judge.*

The attempt of the Government in this case is to forfeit this property, and the method of procedure is, for the Government, if it supposes it has sufficient grounds for believing the Act to have been violated, to take possession of the property. Any person who has an interest in that property has a right to come forward and claim it, and claim that the Government's proceeding was not justified; and so we have a case such as is brought before us. While in form it is between the Government and this property, in substance it is between the Government and the man who claims it; so that your verdict in the present case will be for the Government, in case you find that this property should be forfeited, and for the claimant if you find that it ought not to be forfeited. You

will not have any money verdict to render, nor anything to do with the value of this property at all. The verdict will simply be, I repeat, in one case for the Government or, in the other case, for the claimant.

One section of this statute provides that articles intended for food may be condemned and forfeited "if, either in whole or in part, they shall be filthy, decomposed or putrid," and the Government claims that, in this particular case, the articles in question were both filthy and decomposed. We will leave the word "putrid" out of the case. There is no averment that they were putrid. If the Government has offered evidence which satisfies you that they were either filthy or decomposed, the case is made out. The Government is not bound to prove that they were both filthy and decomposed.

Now you see that what you have to do is, as a question of fact, to determine from the evidence laid before you whether these olives can fairly and properly be said to be filthy or decomposed. That requires you to consider what meaning we can properly apply to the words which I have emphasized, namely, filthy and decomposed, and then apply the meaning to the evidence as you have heard it. Right there we are confronted with the difficulty that so often confronts us, of determining just exactly what the meaning of a particular word is. You know, in the ordinary affairs of life, how difficult it often is to get at the precise meaning which a person who may be talking intends his words to bear, and he may have the same difficulty in getting at what your words may mean. It is a common difficulty that confronts the business man. Language, as you also know, very often means what we intend it to mean. There are very few words which have a precise, technical meaning, always the same. Sometimes they have one meaning and sometimes another. That is a common situation, and we simply have to do with our speech as best we can and endeavor to ascertain what it means in the particular situation in which the words are being used. Sometimes a word may mean one thing in a particular set of circumstances, and have an entirely different meaning, or, at all events, a somewhat different meaning, when applied to another subject.

You must bear in mind that these two words, "filthy" and "decomposed" are used in this case before us with reference to food, with reference to articles that are offered for food and, therefore, you must view the evidence in the light of the subject-matter to which your attention has been directed; because it is quite clear that a situation which might justify a jury in finding a food was decomposed might not justify them in finding that some other substance was either filthy or decomposed.

Now the word "filthy" is capable of a variety of meanings. I suppose it is not unfair to say that it is the superlative degree of such a condition as we refer to as "soiled." When we speak of an article as soiled, that would be a sufficiently accurate statement, I suppose, in your minds and mine. Then if you say an article is "dirty," I think you go a step farther. Perhaps you might call that the comparative degree, for our purposes. It certainly goes a little farther, I think, than the word "soiled." Then, if you use the word "filthy," I think you are all conscious that we have gone a step farther than that. An article can hardly be said to be filthy unless it has gone somewhat farther than the word "dirty."

Now what have the witnesses said in regard to these articles? Were they filthy, regarded as articles of food? The point to which the Government directs your attention, and the only point to which the Government directs your attention, in that respect, is the alleged presence of worms and the excreta of worms, which are said to have been found in these barrels. What are the facts in that regard? I do not intend to go over the evidence at all, or to direct your atten-

tion to what any particular witness may have said. You have heard the evidence and you must determine what the facts were, to what extent worms, or the excreta of worms, were found in these olives, and, when you have determined this fact, it may justify you in finding that you can properly regard them as filthy.

So in regard to the word "decomposed." That is a word with quite an extensive scope. Scientifically, it is quite clear that, the moment a chemical change takes place in any article, it begins to decompose. Take sugar, for example. The moment sugar begins to change its character—and it may change into a good many substances—it begins that moment to decompose, to break down, to form other combinations, and that is scientifically called the process of decomposition. It does not follow, however, that the scientific meaning is to be applied to this case. It is quite clear to all of us that it is not intended in this statute to bear a strict scientific meaning; that it should mean simply a change of the chemical constituents of a substance. It is allied, if I may use a general word, to the idea that it is connoted by the word "rotten." "Putrid" goes a step farther; but, as I say, we are not concerned with the stage to which the word "putrid" may be properly applied. The sense in which "decomposed" is used in this Act means that stage which, if carried somewhat farther, would bring you to the state of a particular substance which would properly be called rotten. I do not think it goes as far as rotten.

Now you can see at once that the word "decomposed," when applied to food—and that is the subject, I call your attention again, to which you must apply these words—the word "decomposed," as applied to food, may have different meanings. What you would call a decomposed food product may have one meaning in one set of circumstances and a different one in another. Take certain cheeses which are used extensively as articles of food. I think on some of them—I shall not name any—there would be a general agreement that they could be properly spoken of as decomposed to some extent; and certainly with regard to some kinds of game that are eaten—eaten, at all events, by epicures—they are undoubtedly decomposed. "High," as you know, is often used for game when it reaches a certain stage. People sometimes do not like it, and sometimes go so far as to call it rotten. In that connection I may say that the Act of Congress is not concerned with the question as to whether some people will eat foods that are decomposed or dirty. That is not the test that is applied to them. It is quite true that some people are willing to eat articles that to others would be disgusting, and there is no standard that can be applied generally. In a Statute which has been passed by Congress, any word, speaking generally, is to have the ordinary and general meaning which is given to it in common speech. Statutes, speaking generally, you know, are addressed to the people. They are commands to the people, telling them what they shall do or omit to do, and, therefore, it is the ordinary and natural, general, meaning which the words bear, that those words have.

Those are the rules, or principles of construction, of the words with which we are concerned in this case. Their scope and meaning are to be determined as applied to the subject matter of this statute, namely, with reference to articles of food, and you must apply these rules to the evidence in the case and determine whether these olives, about which we have heard this evidence, are properly to be spoken of as filthy, or properly to be spoken of as decomposed. If they are either one of the two; if either one of the two words is properly applicable to them; if they are filthy, or decomposed, then the Government has made out its case.

This is a proceeding which, as I have said to you, would forfeit this property, that is, take it away from the owner and transfer it to the United States, or authorize the United States to condemn and destroy it; at all events, to deprive the owner of the property. It is, therefore, a severe remedy. It is a penalty, strictly speaking, and, while these proceedings are not criminal proceedings, they are not very far removed in their nature from criminal proceedings. Therefore, a higher degree of proof is required from the United States in a proceeding such as this than would be required of it were it an ordinary money suit on an obligation to the United States. It is not only required that there should be a fair weight of the evidence in favor of the United States, but there is a requirement that the United States should make out its case by evidence that is of a higher quality; evidence that may properly be described as clear, convincing and satisfactory. You now must determine whether, judged by that standard, the United States has made out its case in reference to the articles to which I have referred.

I shall not say anything about the evidence in the case, as it has been given to you by the various witnesses, except to say a word about two of the witnesses who testified for the Government. I refer to the testimony of the two young women who were heard yesterday. Their testimony has been held up before you to ridicule, and I do not think it was justified. There is no reason why the testimony of any witness should not be attacked by any person opposed to it, and it is for the jury to determine what weight is to be given to the testimony of any witness—and the weight to be given to the testimony of these witnesses is entirely for the jury; but I am sure the jury will agree with me that their testimony was not ridiculous, or properly capable of being held up to ridicule. They certainly were highly intelligent witnesses, they certainly were careful witnesses, and I am sure the jury will agree with the court that they were intending, at all events, to give you as much light and as much satisfactory light as was possible for them to do on this subject. Just how far their testimony is to have weight with you, is wholly for you. With that, in connection with all the other evidence in the case, I leave the case for your consideration.

If the jury desire to have any of these samples for inspection, and will let us know, we will be glad to send them out. We will not trouble you with that just now, but if, when you come to consider the case, you would like to have any of these samples, please send us word and we will let you have anything you want.

Thereafter, in due form of law, the jury returned its verdict in favor of the libellant, and upon motion of the United States attorney for said district, the court issued its decree, condemning and forfeiting said 10 barrels of olives to the United States for the cause in the said libel set forth, and ordering their destruction by the marshal of said district, which order was forthwith executed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

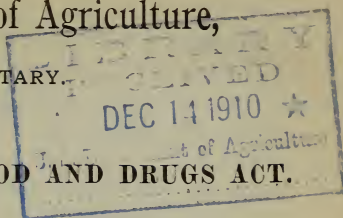
JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 21, 1910.*

Issued December 12, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.



## NOTICE OF JUDGMENT NO. 650, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF "NO. 3 WHITE OATS."

During the month of January, 1910, the Pendleton Grain Company, Incorporated, St. Louis, Mo., shipped from the State of Missouri to the State of Louisiana 2,700 sacks of a food product invoiced and sold as "No. 3 White Oats." Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report thereon that the said shipments were liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Louisiana.

In due course a libel was filed in the District Court of the United States for said district against the abovementioned oats, charging the above shipments and alleging that the product so shipped was adulterated, in that with the said oats there had been mixed and packed a quantity of wheat, barley, and other seeds, and a quantity of stems, hulls, chaff, and inert matter, so as to reduce, lower, and injuriously affect the quality and strength of said oats, and further that the said wheat, barley, and other seeds, and the said stems, hulls, chaff, and inert matter, were substituted in part for the said oats, and alleging that the product was misbranded, in that it was offered for sale under the name of "No. 3 White Oats," being the distinctive name of an article other than that actually shipped and delivered as aforesaid, and that the said oats were at the time of their interstate shipment and their delivery in Louisiana invoiced as "No. 3 White Oats," being the distinctive name of an article other than that shipped and invoiced, whereas in truth and in fact, as hereinbefore alleged, the said article of food offered for sale, invoiced and delivered as "No. 3 White Oats," was not "No. 3 White Oats" but was a mixture of white oats with wheat, barley, and other seeds, and with stems, hulls, chaff, and inert matter, and was not entitled to the name and grade of "No. 3 White Oats." Thereupon said Pendleton Grain

Company, Incorporated, the consignor of the product, and John T. Gibbons, one of the consignees, entered their appearance, and set up a claim to the ownership of the product.

May 5, 1910, the cause came on for hearing, and the said Pendleton Grain Company, Incorporated, and John T. Gibbons, having admitted the allegations and charges contained in the above libel, consented to a decree of condemnation of the product involved. The court being fully informed in the premises issued its decree condemning and forfeiting the product to the United States, with the proviso, however, that upon the payment of all costs of this libel, and upon the execution and delivery of good and sufficient bonds, one in the sum of \$500 by said John T. Gibbons, and one in the sum of \$850 by the said Pendleton Grain Company, Incorporated, conditioned that said claimants should label said goods in accordance with the judgment of the court, to wit, as a "mixture of oats, wheat, barley, weed seeds, stems, hulls, chaff, and inert matter," and further conditioned that said claimants should not sell or otherwise dispose of said goods in violation of law, that then the said claimants should have the right to the possession of said goods then in the possession of the marshal of said district, said bonds to be executed and delivered, and costs to be paid, together with all expenses and charges, within twenty days from the date of said decree.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 21, 1910.*

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 651, FOOD AND DRUGS ACT.

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### MISBRANDING OF CHEESE.

On or about July 30 and August 19, 1910, there were shipped from Sheboygan, Wis., to Hagerstown, Md., in two consignments, of 20 and 39 boxes, respectively, 59 boxes of Longhorn cheese, which were labeled, "Red Cross Registered Sheboygan, Wis. Cuddy Cheese Co. Selected Full Cream Cheese, Hagerstown Gro. Co. Hagerstown, Md. Whol. Gro. 3/3/08." In addition to said label there were figures on each of said boxes indicating the weight of the cheese in the respective boxes. Examination of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report thereon that the shipments were liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Maryland.

In due course libels were filed in the District Court of the United States for said district against the said 20 and 39 boxes of cheese, respectively, charging the above shipments and alleging that the product so shipped was misbranded in that the said boxes and each of them bore numbers which were supposed and understood to designate the net weight in pounds, respectively, of the cheese contained in each box, when in truth and in fact the cheeses contained in the 20 boxes comprising the former of the two shipments involved were each 1 pound less in weight than indicated by the numbers on the sides of said 20 boxes, and that the cheeses contained in the 39 boxes comprising the latter of said shipments were each 2 pounds less in weight than indicated by the numbers on the sides of said 39 boxes, and praying seizure and condemnation of the product.

On September 2, 1910, John Cuddy, of Sheboygan, Wis., entered his appearance, claiming to be the owner of the 59 cheeses in question, admitting the charges in the above libels set forth and submitting to such decree as the court might see fit to render in the premises. The

ensuing day the causes came on for hearing and the court, being fully informed in the premises, issued its decree, condemning the product for the cause set forth in said libel and directing the marshal of said district to destroy said product on the 20th day of September, 1910, with the proviso, however, that the said product should be delivered to the claimant thereof, if, on or before the 19th day of September, 1910, the said claimant should have paid all the costs of these proceedings and should have executed a good and sufficient bond of indemnity in the penal sum of \$100 in the case of the 20 boxes of cheese and \$600 in the case of the 39 boxes of cheese, conditioned that the said product should not be sold or disposed of contrary to the provisions of the said act.

On September 5, 1910, the costs were paid and approved bond given in accordance with the terms of said decree and the 59 boxes of cheese were restored to claimant.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 21, 1910.*

Issued December 12, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 652, FOOD AND DRUGS ACT.

### MISBRANDING OF EGG MACARONI AND EGG NOODLES.

On or about March 25, 1910, the Cleveland Macaroni Company, Cleveland, Ohio, shipped from the State of Ohio to the State of Pennsylvania fifty cases of food product each containing twenty-four packages, each of which cases was labeled "U. S. Serial No. 415, 'Golden Egg Noodles,' The Cleveland Macaroni Co., Cleveland, O., U. S. A. Case No. 2, two dozen 10 c. packages," seventy-five cases, each containing forty-eight packages, each of which cases was labeled, "U. S. Serial No. 415, 'Golden Egg Noodles,' The Cleveland Macaroni Co., Cleveland, O., U. S. A. Case No. 1, four dozen 5c. packages;" and twenty-five cases, each containing twenty-four packages, each of which cases was labeled "U. S. Serial No. 415, 'Golden Egg Macaroni,' The Cleveland Macaroni Co., Cleveland, Ohio, U. S. A.," each of the last named unit packages being labeled, "They speak for themselves, Golden Egg Seashell Macaroni (Short Cut) The Cleveland Macaroni Co., Cleveland, O., U. S. A." Examination of samples from this shipment showed that the products were misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As the findings of the analyst and report made showed that the above shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania. In due course libels were filed against the said egg macaroni and egg noodles, respectively, charging the above shipment and alleging that the products so shipped were misbranded in that the labels above set forth indicated that egg, or product of the egg, was a principal ingredient of said articles of food, when in truth and in fact the said articles of food contained little or no egg material, the said cases and packages being thus labeled and branded so as to deceive and mislead the purchaser thereof with reference to the quantity of egg present in said articles of food; and praying seizure and condemnation of the product.

Thereupon said Cleveland Macaroni Company and Barber & Perkins, consignees of the products involved, filed joint answers to the above libels claiming ownership of the abovementioned products, dis-

claiming any intention of misbranding in any way said products, admitting misbranding the same, and petitioning that said products be returned to claimants upon the payment of all costs of these proceedings and the execution and delivery of a good and sufficient bond conditioned that said products should not be sold or otherwise disposed of contrary to law.

The causes coming on for hearing, the court, being fully informed in the premises, issued its decree finding the abovementioned egg macaroni and egg noodles to be misbranded as alleged in the above libels, and condemning and forfeiting the same to the United States, with a proviso, however, that the products in question should be restored to claimants upon the payment of costs and execution and delivery by them within ten days of a good and sufficient bond in the sum of \$1,000, conditioned that such products should not be sold or otherwise disposed of contrary to law. The costs having been paid, and bond furnished in conformity with the above decree, the abovementioned products were restored to claimants.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 21, 1910.*

Issued December 12, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

★ DEC 14 1910  
U. S. Department of Agriculture

## NOTICE OF JUDGMENT NO. 653, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF VINEGAR.

On or about December 22, 1909, B. T. Chandler & Son, a corporation, Chicago, Ill., shipped from the State of Illinois to the State of Indiana a quantity of alleged vinegar, contained in barrels labeled: "May 29, 1910, forty-nine gallons, B. T. Chandler and Son, Chicago, Illinois. Dayton, Ohio, Manufacturers and Wholesale Dealers. Pure Fermented Apple Cider Vinegar. We guarantee our apple cider vinegar to be forty grains in strength, to weigh two per cent, and to contain no coloring matter, acid or added foreign substance of any kind, and to comply with the Pure Food Laws." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded B. T. Chandler & Son and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

September 13, 1910, a criminal information was filed in the District Court of the United States for the Northern District of Illinois against the said B. T. Chandler & Son, charging the above shipment and alleging that the product so shipped was adulterated in that it consisted mainly of a dilute solution of acetic acid and an artificial coloring matter; in that a dilute solution of acetic acid had been mixed together with the vinegar so as to reduce, lower, and injuriously affect its quality and strength; in that a solution of acetic acid had been added to and substituted in part for the article; in that the product had been colored in a manner whereby its inferiority was concealed; and alleging the product to be misbranded in that it was an imitation of another article, to wit, pure apple cider vinegar; in that the label above set forth, appearing on each of said

barrels, was such as to deceive and mislead purchasers into the belief that the product was a pure apple cider vinegar, whereas in truth and in fact it was not a pure apple cider vinegar, but was an imitation thereof, prepared with acetic acid and an artificial coloring matter in imitation of genuine apple cider vinegar.

On September 26, 1910, the defendant entered a plea of guilty to the above information, and the court imposed a fine of \$100 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 21, 1910.*

Issued December 12, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 654, FOOD AND DRUGS ACT.

### MISBRANDING OF OLIVE OIL.

On or about November 3, 1909, Marchesini Brothers, New York, shipped from the State of New York to the State of Massachusetts a quantity of alleged olive oil contained in a can upon which was the following label: "Olio Per Insalata-Sopraffino Melillo Brand, Compound Olive Oil and Cotton Salad Oil. Serial No. 9663." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded Marchesini Brothers and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

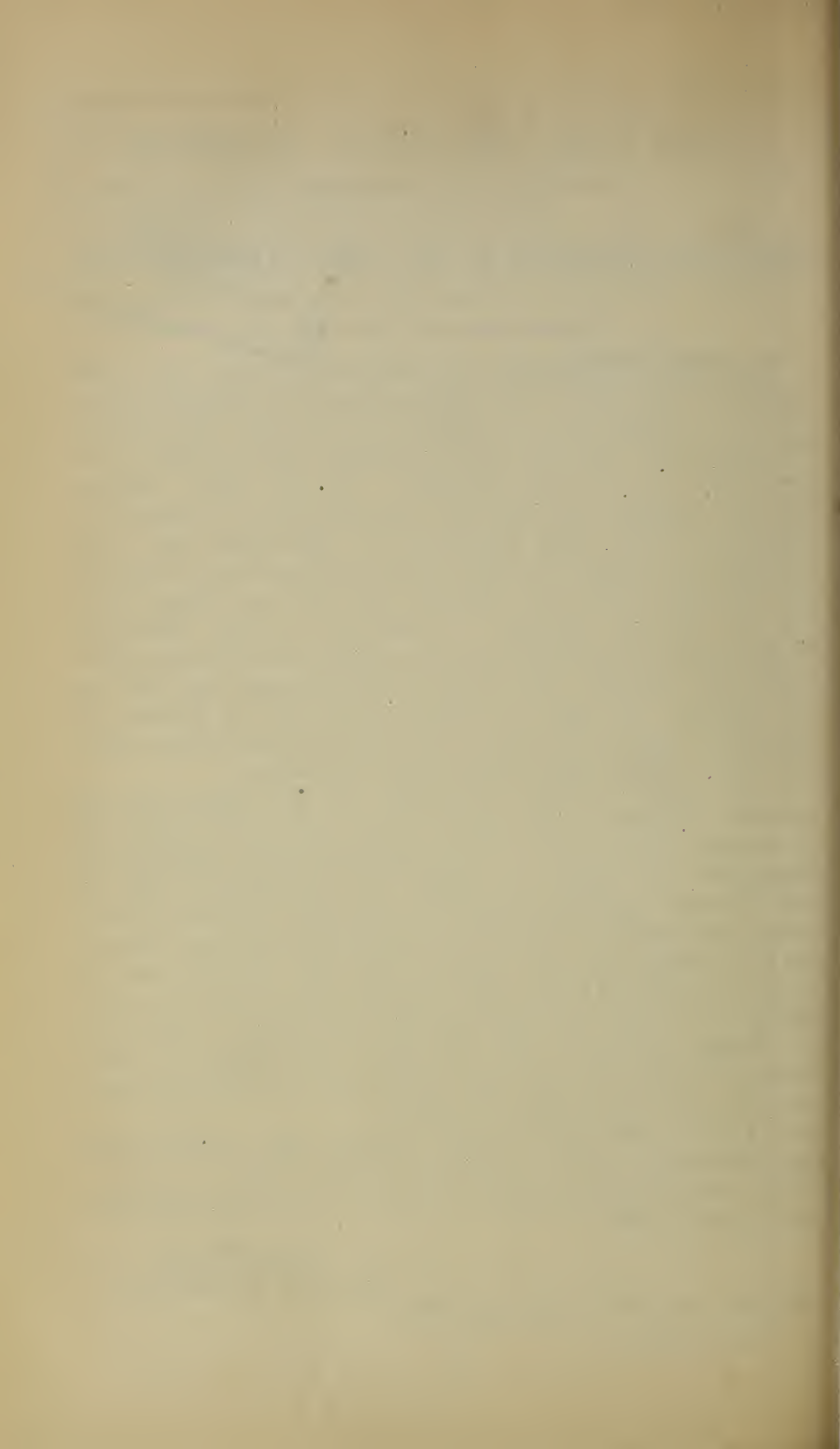
In due course a criminal information was filed against the said Marchesini Brothers in the Circuit Court of the United States for the Southern District of New York, charging the above shipment and alleging that the product so shipped was misbranded in that the label aforesaid regarding contents of said can was false and misleading and intended to deceive and mislead the purchaser, because said label indicated that the contents of said can were pure olive oil, whereas in truth and in fact they consisted almost wholly of cottonseed oil; and in that said label indicated the contents of said can to be a foreign product, to wit, a product of the Kingdom of Italy, whereas in truth and in fact the contents were in large part manufactured in the United States of America.

On April 14, 1910, the defendants entered a plea of guilty to the above information and the court imposed a fine of \$100.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *October 21, 1910.*



Issued December 17, 1910.

# United States Department of Agriculture,

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## NOTICE OF JUDGMENT NO. 655, FOOD AND DRUGS ACT.

### MISBRANDING OF PEPPER.

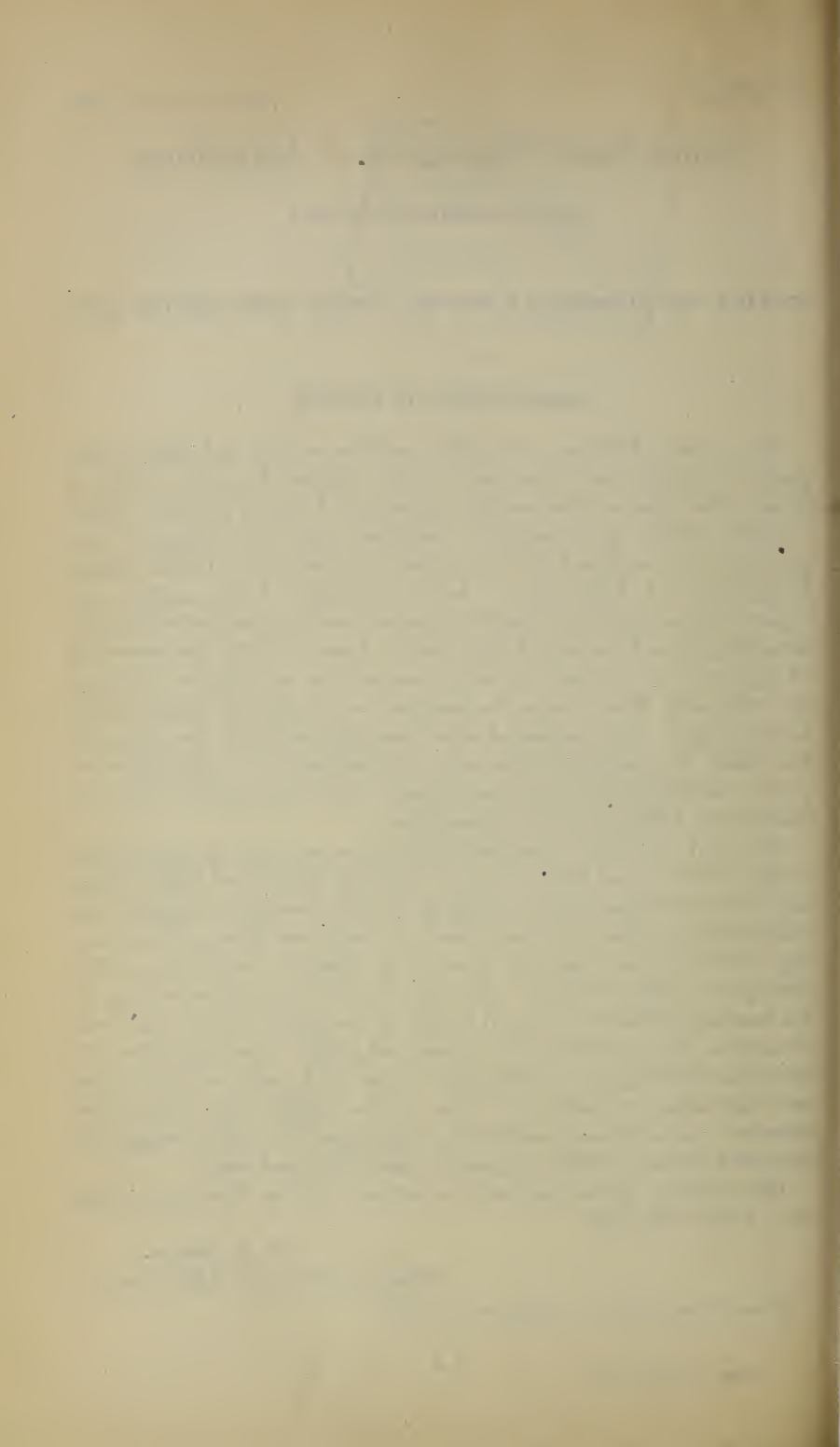
On or about February 10, 1908, the Newton Tea and Spice Company, a corporation, Cincinnati, Ohio, shipped from the State of Ohio to the State of Mississippi a quantity of a food product labeled "10 lbs. strictly pure pepper." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture. As the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Newton Tea and Spice Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

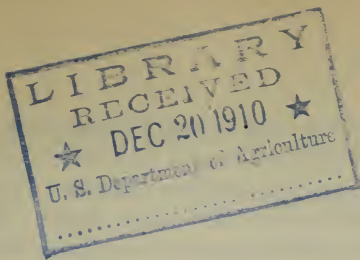
On April 26, 1909, a criminal information was filed in the District Court of the United States for the Southern District of Ohio, charging the above shipment, and alleging that the product so shipped was misbranded, in that the label above set forth was false and misleading for the reason that the product in question contained ground olive pits or almond shells. On April 11, 1910, the cause coming on for hearing, defendant entered a plea of not guilty and the case was tried by a jury, resulting in a verdict of guilty. On September 26, 1910, the court granted defendant a new trial, and two days later, said defendant withdrew its plea of not guilty, and substituted therefor a plea of nolo contendere, whereupon the court, being fully informed in the premises, imposed a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. L. MOORE,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *October 27, 1910.*





F. & D. Nos. 1393 and 1394.  
S. No. 521.

Issued December 17, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 656, FOOD AND DRUGS ACT.

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#### ADULTERATION AND MISBRANDING OF CALCIUM ACID PHOSPHATE.

On or about February 16 and March 28, 1910, there were shipped from the State of New York to the State of Massachusetts two barrels of a food product labeled "Provident Chemical Works. 300 lbs. C. A. P. St. Louis. Serial No. 381. P. C. W. New York.", one of said barrels having been shipped on each of said dates. Samples from these shipments were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Massachusetts.

On April 14, 1910, a libel was filed in the District Court of the United States for said district against the said two barrels of calcium acid phosphate, charging the above shipments and alleging that the product so shipped was adulterated, in that a substance, to wit, a starch product, had been mixed and packed with said food so as to reduce, lower, and injuriously affect its quality and strength, and praying seizure, condemnation, and forfeiture of the product. On May 9, 1910, an amendment to said libel was filed by adding to the original libel a new count, charging that the product was misbranded, in that said two barrels were labeled "C. A. P.", which would lead the purchaser to believe that said barrels contained calcium acid phosphate, whereas, in truth and in fact, it was not calcium acid phosphate, and praying seizure and condemnation of the product. Thereupon said Provident Chemical Works entered its appearance and filed its claim to the product, denying that said product was adulterated,

but admitting it to be misbranded within the meaning of the above-mentioned act, and praying that the said two barrels of calcium acid phosphate be delivered to it upon paying the costs of these proceedings and giving such bond as the court might direct. Thereupon the cause came on for hearing, and the court, being fully informed in the premises, issued its decree finding the product to be misbranded, but not adulterated within the meaning of the said act, and ordering that said two barrels of calcium acid phosphate should be delivered to the claimant upon the payment of the costs of these proceedings and upon execution and delivery of a satisfactory bond in the sum of \$100, conditioned that said two barrels should not be sold or otherwise disposed of contrary to law. Said costs having been paid and bond furnished in accordance with the terms of said decree, said two barrels of calcium acid phosphate were forthwith delivered to the claimant.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. L. MOORE,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *October 27, 1910.*

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 657, FOOD AND DRUGS ACT.

### ADULTERATION OF "CRYSTAL EGGS."

On or about July 10, 1909, the St. Louis Crystal Egg Company, St. Louis, Mo., shipped from the State of Missouri to the State of Minnesota a barrel of a food product invoiced and sold as "Crystal Eggs." Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the above examination that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Minnesota.

In due course a libel was filed in the District Court of the United States for said district against the said barrel of crystal eggs, charging the above shipment, and alleging that the product so shipped was adulterated, in that it contained an added poisonous and deleterious ingredient, to wit, a boric acid product, which rendered said article of food injurious to health. Whereupon the said St. Louis Crystal Egg Company entered its appearance as intervenor and filed an answer to the above libel, which, however, was withdrawn on September 27, 1909, and the appearance of the attorney for said company stricken out.

On August 19, 1910, the cause came on for hearing, and it appearing that the said Crystal Egg Company had consented that a judgment of condemnation be entered in said cause, and that the costs of these proceedings had been paid by said company, the court, being fully informed in the premises, entered its decree condemning said barrel of crystal eggs as being adulterated and unfit for human consumption, and directing the marshal of said district to destroy the same.

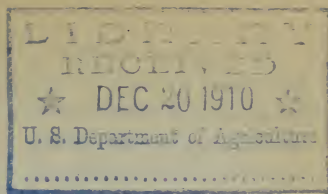
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. L. MOORE,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *October 27, 1910.*





F. & D. No. 1372, 1373, 1374, 1375, and 1378.  
S. Nos. 504, 505, and 509.

Issued December 17, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 658, FOOD AND DRUGS ACT.

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### ADULTERATION OF MACARONI.

During the months of February and March, 1910, V. Viviano & Bros., St. Louis, Mo., shipped from the State of Missouri into the State of Illinois 9,110 boxes of macaroni in five shipments of 1,725, 2,100, 1,950, 1,635, and 1,700 boxes, respectively, of which 3,825 boxes were labeled "La Regina Trade Mark Spaghetti, Artificial Coloring Marka de Fabbrica Registered. Manufactured by V. Viviano & Bros., St. Louis, Mo."; 1,950 boxes were labeled "La Regina Trade Mark Foratini Artificial Coloring Marka de Fabbrica Registered. Manufactured by V. Viviano & Bros., St. Louis, Mo."; 1,635 boxes were labeled "La Sicilia Spaghetti Artificial Coloring, Made by S. V. B., St. Louis, Mo."; and 1,700 boxes were labeled "La Stella Superiori Spaghetti Artificial Coloring. Made by S. V. B., St. Louis, Mo."

Analysis of samples of these products made in the Bureau of Chemistry, United States Department of Agriculture, showed them to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made thereon that the shipments were subject to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of Illinois. On April 4, 1910, five libels were filed in the District Court of the United States for said district against said 1,950 boxes, 1,635 boxes, 1,700 boxes, 1,725 boxes and 2,100 boxes of macaroni, respectively, charging the above shipments and alleging that the products so shipped were adulterated in that they and each of them contained martius yellow, a poisonous color, which rendered the said articles of food injurious to health, and praying seizure and condemnation of said products.

On or about April 21, 1910, an answer was filed in each of the said five cases by said V. Viviano & Bros., admitting the interstate shipment of said products and the jurisdiction of the court and that there was a very small percentage of a yellow coloring used in the manufacture of said macaroni, to wit, about 1 ounce to every 250 gallons of water, but denying that such coloring as used in the manufacture of said products was poisonous or that it rendered the said articles of food injurious to health. On May 16, 1910, the above five cases came on for hearing, and having been consolidated, the court having heard the evidence and arguments of counsel on the part of libellant and claimant, delivered the following opinion:

KENESAW M. LANDIS, *District Judge.*

These libels seek the destruction of five interstate shipments of macaroni charged to have been adulterated by the addition of a coal-tar dye known as Martius yellow, alleged to be a poison rendering the food product injurious to health (Food and Drug Act, section 7, paragraph 5). The question is whether the article proceeded against "contains any added poisonous \* \* \* ingredient which may render it injurious to health."

The proof shows macaroni to be composed of wheat flour and water; that to change its natural color and make its appearance more inviting Martius yellow was added; that this coloring matter is not an ingredient of macaroni. serves no purpose other than to change its color, and is a poison which will kill.

It is the duty of the court to give the act a fair and reasonable construction for the accomplishment of its object. That object is the exclusion from interstate commerce of food products so adulterated as to endanger health. And where, as here, it clearly appears that a poisonous substance wholly foreign to the food product has been added to it, solely to mislead and deceive, the court is under no duty to endeavor to protect the offender against loss from destruction of the adulterated article by indulging in hair-splitting speculation as to whether the amount of poison used may possibly have been so nicely calculated as not to kill or be of *immediate* serious injury. With a portion of our population macaroni is a staple article of food, and under the evidence here the cumulative effect of the poison in the substance under examination would be injurious to health. Let there be a decree of condemnation and destruction.

On the same day, upon motion of the United States attorney for said district, the court issued its decree condemning and confiscating the said 9,110 boxes of macaroni to the United States of America, as being a food of a poisonous and deleterious character, and ordering that all of the same be destroyed by the marshal of said district, which order was forthwith executed, and that the libellant recover from the claimants herein the costs and charges allowed by law.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

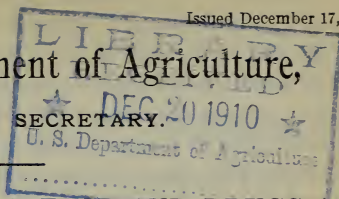
W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 1, 1910.

Issued December 17, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.



## NOTICE OF JUDGMENT NO. 659, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF VANILLA FLAVORING POWDER.

On or about December 13, 1909, the Semrad Chemical Company, a corporation of Chicago, Ill., sold and delivered to Habicht, Braun & Co. at said city of Chicago, a quantity of a food product labeled "Hy-Grade Vanille-Ton," "A pure vanilla and tonka bean powder especially adapted for bakers. Absolutely Pure. Absolutely free from alcohol. Absolutely free from all other flavoring matters. In full compliance with all pure food laws. Habicht, Braun & Company, Chicago, New York."

At the time of such sale and delivery, the said Semrad Chemical Company delivered to said Habicht Braun & Co. a guaranty in writing, reading as follows:

#### FOOD GUARANTY.

The undersigned Semrad Chemical Company, of Chicago, State of Illinois, United States of America, does hereby warrant and guarantee unto Habicht, Braun & Company, having offices in Chicago, Illinois, and New York, N. Y., that any and all articles of food or drugs as defined by the Act of Congress approved June 30, 1906, entitled "An Act for preventing the manufacture or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," which the undersigned has sold since October 1st, 1906, or shall at any time hereafter prepare, manufacture for, sell, or deliver to said Habicht Braun & Company, will comply with all the provisions of said act of Congress, and are not and shall not be in any manner adulterated or misbranded within the meaning of said act. It is expressly understood that this shall be a continuing guaranty until notice of revocation be given in writing and notice of acceptance of the guaranty is hereby waived.

Dated at Chicago, the second day of January, 1907.

SEMRAD CHEMICAL COMPANY,  
AUGUST SEMRAD, *Pres.*

(Semrad Chemical Co., Corporate Seal, 1898).

Thereafter, on or about December 15, 1909, the said Habicht, Braun & Co. shipped from the State of Illinois to the State of Texas one of the packages of the above-mentioned article of food, embraced

in the delivery to said company by the Semrad Chemical Company on December 13, 1909, hereinbefore mentioned, wherefore and whereby said Semrad Chemical Company, manufacturer, as aforesaid, by reason of the sale of the article aforesaid and the guaranty aforesaid, became amenable to any prosecution, fines and penalties which might, but for the guaranty aforesaid, attach in due course to said Habicht, Braun & Co. by reason of said shipment. Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture. As the findings of the analyst and report made thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Semrad Chemical Company, Habicht, Braun & Co., and the party from whom the samples were procured were afforded opportunities for hearing. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence upon which to base a prosecution.

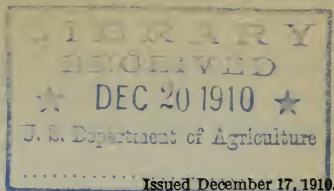
In due course a criminal information was filed in the District Court of the United States for the Northern District of Illinois against the said Semrad Chemical Company, charging the above guaranty and shipment, and alleging that the product so guaranteed and shipped was adulterated in that a certain substance, to wit, artificial vanillin, had been substituted wholly or in part for vanilla and tonka bean powder; in that said vanillin had been mixed and packed with the product in a manner whereby its inferiority was concealed, and alleging that the product was misbranded in that it was an imitation of another article, to wit, pure vanilla and tonka bean powder; in that the package containing the article bore a statement regarding the ingredients and substances contained therein, which said statement was false and misleading because it purported to represent that the said article of food was absolutely pure high-grade vanilla and tonka bean powder, whereas in truth and in fact said article of food contained vanillin, and a statement of such fact did not appear on the said label.

On September 20, 1910, the defendant entered a plea of guilty to the above information and on September 23, 1910, the court, after hearing held, imposed a fine of \$100 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 1, 1910.



# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 660, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF LEMON FLAVORING.

On or about January 11, 1910, the Allan B. Wrisley Company, a corporation, Chicago, Ill., shipped from the State of Illinois to the State of Maine a consignment of a food product labeled "Union Brand Compound Lemon Flavoring. A compound prepared from oil of lemon grass, citral and diluted alcohol". Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture. As the findings of the analyst and report made thereon showed that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Allan B. Wrisley Company and the party from whom samples were procured were afforded opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence upon which to base a prosecution. On September 16, 1910, a criminal information was filed in the District Court of the United States for the Northern District of Illinois, charging the above shipment, and alleging that the product so shipped was adulterated in that a certain substance, to wit, an imitation lemon flavor, containing no oil of lemon, and containing a dye known as naphthol yellow S, had been substituted wholly or in part for the lemon extract, thereby reducing, altering, and injuriously affecting its quality and strength; in that a certain substance, to wit, an imitation lemon flavor, containing no oil of lemon, and containing a dye known as naphthol yellow S had been substituted in part for the article; in that the article was colored with naphthol yellow S in a manner whereby its inferiority was concealed; and alleging that the product was misbranded in that it was an imitation of another article, to wit, pure lemon extract; in that it was offered for sale under the distinctive

name of another article, to wit, pure lemon extract, whereas in truth and fact, it was an imitation lemon flavor, containing no oil of lemon and containing a dye known as naphthol yellow S; in that the product was invoiced and sold as "lemon extract," whereas it was not a lemon extract, but an imitation thereof, containing no oil of lemon, and containing a dye known as naphthol yellow S; in that the words "Compound Lemon Flavor" appeared on the labels of the bottles containing the article aforesaid in conspicuous type, while the qualifying words "A Compound prepared from oil of lemon grass, citral, and diluted alcohol" appeared in smaller type, and were so inconspicuously placed upon the labels as to deceive and mislead the purchaser into the belief that the product in question was a genuine lemon flavoring when in truth and in fact it was an imitation lemon flavoring.

On September 20, 1910, the defendant entered a plea of guilty to the above information. On the next day a hearing was held and on September 23, 1910, the court imposed a fine of \$100 and costs.

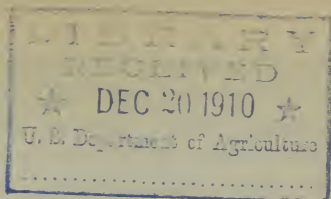
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 1, 1910.

F. & D. No. 1660.

I. S. Nos. 17466-b, 17468-b, 17471-b,  
17472-b, 17484-b, 17485-b,  
17486-b, 17487-b.



Issued December 17, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 661, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF ORANGE AND LEMON FLAVORING EXTRACTS.

On or about March 30, 1910, the Semrad Chemical Company, a corporation, Chicago, Ill., shipped from the State of Illinois to the State of Michigan a consignment of eight varieties of flavoring extracts, respectively labeled:

"Extract Lemon Bakers, Soluble Terpeneless Citral;"

"Extract Lemon XXX, Soluble Terpeneless;"

"Extract Lemon, Soluble Terpeneless;"

"Extract Orange, Soluble Terpeneless;"

"True Orange Flavor, Soluble Terpeneless;"

"True Lemon Flavor, Soluble Terpeneless;"

"Lemon Flavor with Peels, Soluble Terpeneless;"

"Orange Flavor with Peels, Soluble Terpeneless;"

Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture. As the findings of the analyst and report made thereon indicated that these products were adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Semrad Chemical Company and the party from whom samples were procured were afforded opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence upon which to base a prosecution. On September 13, 1910, a criminal information was filed in the District Court of the United States for the Northern District of Illinois, charging the above shipment, and alleging that the products so shipped were adulterated and misbranded, as follows:

*Count 1.*—That the product labeled "Extract Lemon Bakers, Soluble Terpeneless Citral," was adulterated in that it consisted of a

highly dilute terpeneless extract of lemon, containing only 0.04 per cent. of citral, and practically no oil of lemon; in that a highly dilute terpeneless extract of lemon containing practically no oil of lemon had been mixed and packed with the product in such manner as to reduce, lower, and injuriously affect its quality and strength, and in that a highly dilute extract of lemon, containing practically no oil of lemon, had been substituted wholly or in part for the product; and that said article of food was misbranded in that it was labeled "Extract Lemon Bakers. Guaranteed under the Food and Drugs Act of June 30, 1906, Serial No. 3557, Soluble Terpeneless Citral, Semrad Chemical Company, Chicago, Illinois," which said label was false and misleading because it tended to deceive the purchaser into the belief that the product was a pure extract of lemon when as a matter of fact the product was a highly dilute terpeneless extract of lemon, containing practically no oil of lemon, and in that said article of food was an imitation of another article, to wit, pure lemon extract.

*Count 2.*—That the product labeled "Extract Lemon, Triple Soluble Terpeneless" was adulterated in that it consisted of a highly dilute terpeneless extract of lemon, containing only 0.135 per cent. of citral, and practically no oil of lemon; in that a highly dilute terpeneless extract of lemon containing practically no oil of lemon had been mixed and packed with the product in such manner as to reduce, lower, and injuriously affect its quality and strength; and in that a highly dilute terpeneless extract of lemon, containing practically no oil of lemon, had been substituted in whole or in part for said product; and that said article was misbranded, in that it bore a label as follows: "Extract Lemon Triple Soluble Terpeneless. Guaranteed under the Food and Drugs Act of June 30, 1906, Serial No. 3557, Semrad Chemical Company, Chicago, Illinois," which said label was false and misleading in that it tended to deceive the purchaser into the belief that the product was a pure terpeneless lemon extract, when as a matter of fact it was a dilute terpeneless extract of lemon, containing little or no oil of lemon, prepared in imitation of another article, to wit, pure terpeneless extract of lemon.

*Count 3.*—That the product labeled "Extract Lemon, Soluble Terpeneless," was adulterated in that it consisted of a highly dilute terpeneless extract of lemon, containing only 0.135 per cent. of citral, and practically no oil of lemon; in that a highly dilute terpeneless extract of lemon, containing practically no oil of lemon, had been mixed and packed with the product in such a manner as to reduce, lower, and injuriously affect its quality and strength; and in that a highly dilute extract of lemon, containing practically no oil of lemon, had been substituted in whole or in part for said product; and that the article was misbranded in that it bore a label as follows: "Ex-

tract Lemon Soluble Terpeneless. Guaranteed under the Food and Drugs Act of June 30, 1906, Serial No. 3557. Semrad Chemical Company, Chicago, Illinois," which said label was false and misleading in that it tended to deceive the purchaser into the belief that the product was a pure terpeneless lemon extract, when as a matter of fact it was a dilute terpeneless extract of lemon, containing little or no oil of lemon, prepared in imitation of another article, to wit, pure terpeneless lemon extract.

*Count 4.*—That the product labeled "Extract Orange, Soluble Terpeneless," was adulterated in that it consisted of a highly dilute terpeneless extract of orange, containing only 0.075 per cent. of citral, and practically no oil of orange; in that a highly dilute terpeneless extract of orange, containing practically no oil of orange, had been mixed and packed with the product in such a manner as to reduce, lower, and injuriously affect its quality and strength; and in that a highly dilute extract of orange containing practically no oil of orange had been substituted in whole or in part for the said product; and that the article was misbranded in that it bore a label as follows: "Extract of Orange Soluble Terpeneless. Guaranteed under the Food and Drugs Act of June 30, 1906, Serial No. 3557, Semrad Chemical Company, Chicago, Illinois," which said label was false and misleading in that it tended to deceive the purchaser into the belief that the product was a pure terpeneless orange extract, when as a matter of fact it was a dilute terpeneless extract of orange, containing little or no oil of orange, prepared in imitation of another article, to wit, pure terpeneless extract of orange.

*Count 5.*—That the product labeled "True Orange Flavor, Soluble Terpeneless," was adulterated in that it consisted of a highly dilute terpeneless extract of orange, containing only 0.058 per cent. of citral and practically no oil of orange; and in that a highly dilute terpeneless extract of orange, containing practically no oil of orange, had been mixed and packed with the product in such a manner as to reduce, lower, and injuriously affect its quality and strength; and in that a highly dilute extract of orange, containing practically no oil of orange, had been substituted in whole or in part for the product; and that the article was misbranded in that it bore a label as follows: "True Orange Flavor, Soluble Terpeneless. Guaranteed under the Food and Drugs Act of June 30, 1906, Serial No. 3557, Semrad Chemical Company, Chicago, Illinois," which said label was false and misleading in that it tended to deceive the purchaser into the belief that the product was a pure terpeneless orange extract, when as a matter of fact it was a dilute terpeneless extract of orange, containing little or no oil of orange, and was prepared in imitation of another article, to wit, pure terpeneless extract of orange.

*Count 6.*—That the product labeled “True Lemon Flavor, Soluble Terpeneless,” was adulterated in that it consisted of a highly dilute terpeneless extract of lemon, containing only 0.1 per cent. of citral and practically no oil of lemon; in that a highly dilute terpeneless extract of lemon, containing practically no oil of lemon, had been mixed and packed with the product in such a manner as to reduce, lower, and injuriously affect its quality and strength; and in that a highly dilute extract of lemon, containing practically no oil of lemon, had been substituted wholly or in part for the product; and that the article was misbranded in that it bore a label as follows: “True Lemon Flavor, Soluble Terpeneless. Guaranteed under the Food and Drugs Act of June 30, 1906, Serial No. 3557, Semrad Chemical Company, Chicago, Illinois”, which said label was false and misleading in that it tended to deceive the purchaser into the belief that the product was a pure terpeneless lemon extract, when as a matter of fact it was a dilute terpeneless extract of lemon, containing little or no oil of lemon, prepared in imitation of another article, to wit, pure terpeneless extract of lemon.

*Count 7.*—That the product labeled “Lemon Flavor with Peels, Soluble Terpeneless,” was adulterated in that it consisted of a highly dilute terpeneless extract of lemon, containing only 0.125 per cent. of citral and practically no oil of lemon; in that a highly dilute terpeneless extract of lemon, containing practically no oil of lemon, had been mixed and packed with the product in such manner as to reduce, lower, and injuriously affect its quality and strength; and in that a highly dilute extract of lemon, containing practically no oil of lemon, had been substituted in whole or in part for the product; and that the article was misbranded in that it bore a label as follows: “Lemon Flavor with Peels, Soluble Terpeneless. Guaranteed under the Food and Drugs Act of June 30, 1906, Serial No. 3557, Semrad Chemical Company, Chicago, Illinois,” which said label was false and misleading in that it tended to deceive the purchaser into the belief that the product was a pure terpeneless extract of lemon, when, as a matter of fact, it was a dilute terpeneless extract of lemon, containing little or no oil of lemon, prepared in imitation of another article, to wit, pure terpeneless extract of lemon with peels.

*Count 8.*—The product labeled “Orange Flavor with Peels, Soluble Terpeneless,” was adulterated in that it consisted of a highly dilute terpeneless extract of orange, containing only 0.059 per cent. of citral and practically no oil of orange; in that a highly dilute extract of orange, containing practically no oil of orange, had been mixed and packed with the product in such a manner as to reduce, lower, and injuriously affect its quality and strength; and in that a highly dilute extract of orange, containing practically no oil of orange, had been

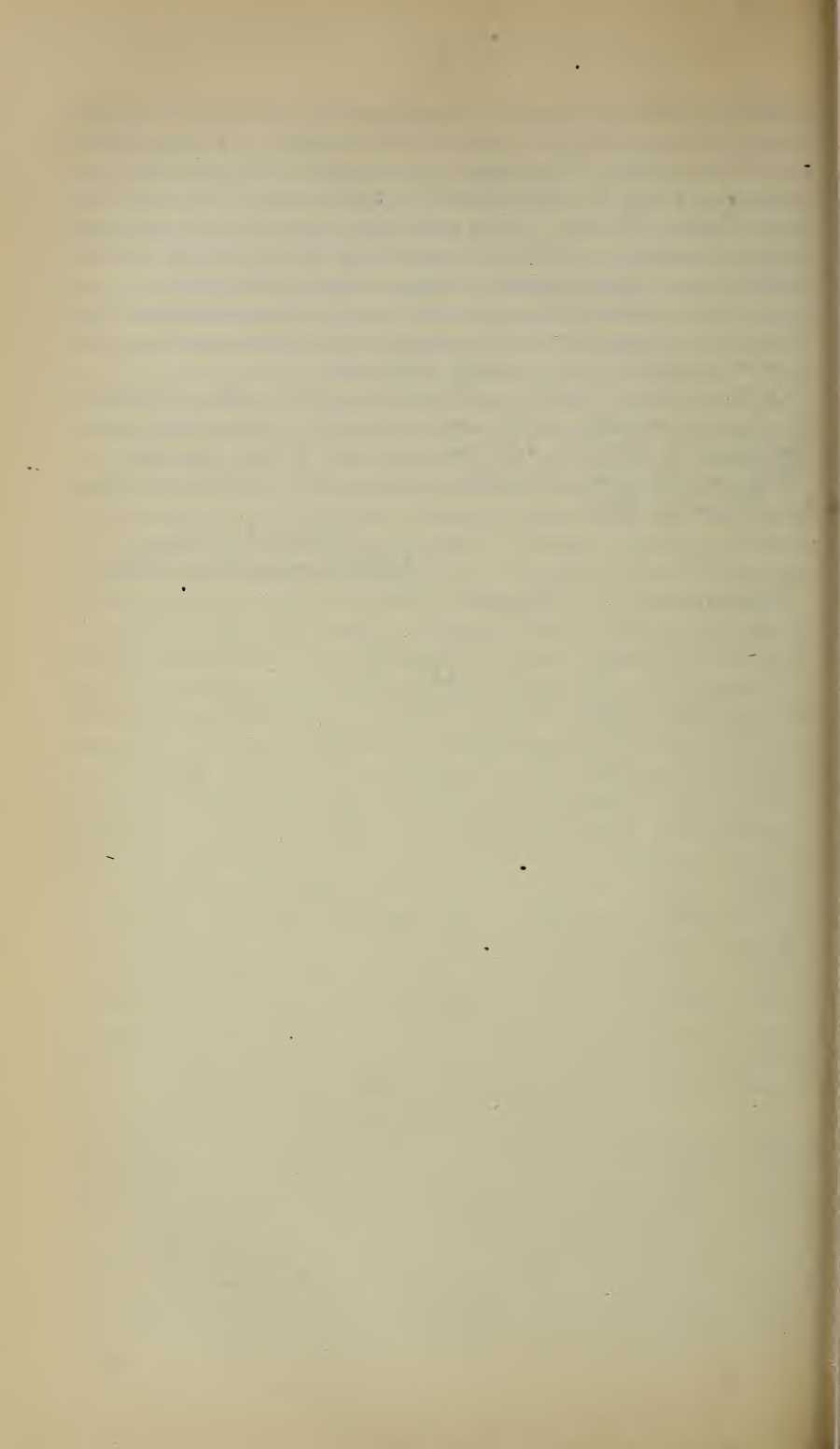
substituted in whole or in part for the said product; and that the article was misbranded in that it bore a label as follows: "Orange Flavor with Peels, Soluble Terpeneless. Guaranteed under the Food and Drugs Act of June 30, 1906, Serial No. 3557, Semrad Chemical Company, Chicago, Illinois," which said label was false and misleading in that it tended to deceive the purchaser into the belief that the product was a pure terpeneless orange extract, when as a matter of fact it was a dilute terpeneless extract of orange containing little or no oil of orange, prepared in imitation of another article, to wit, pure terpeneless extract of orange with peels.

On September 20, 1910, the defendant entered a plea of guilty to the above information, on the ensuing day a hearing was held, and on September 23, 1910, the court imposed a fine of \$100 and costs.

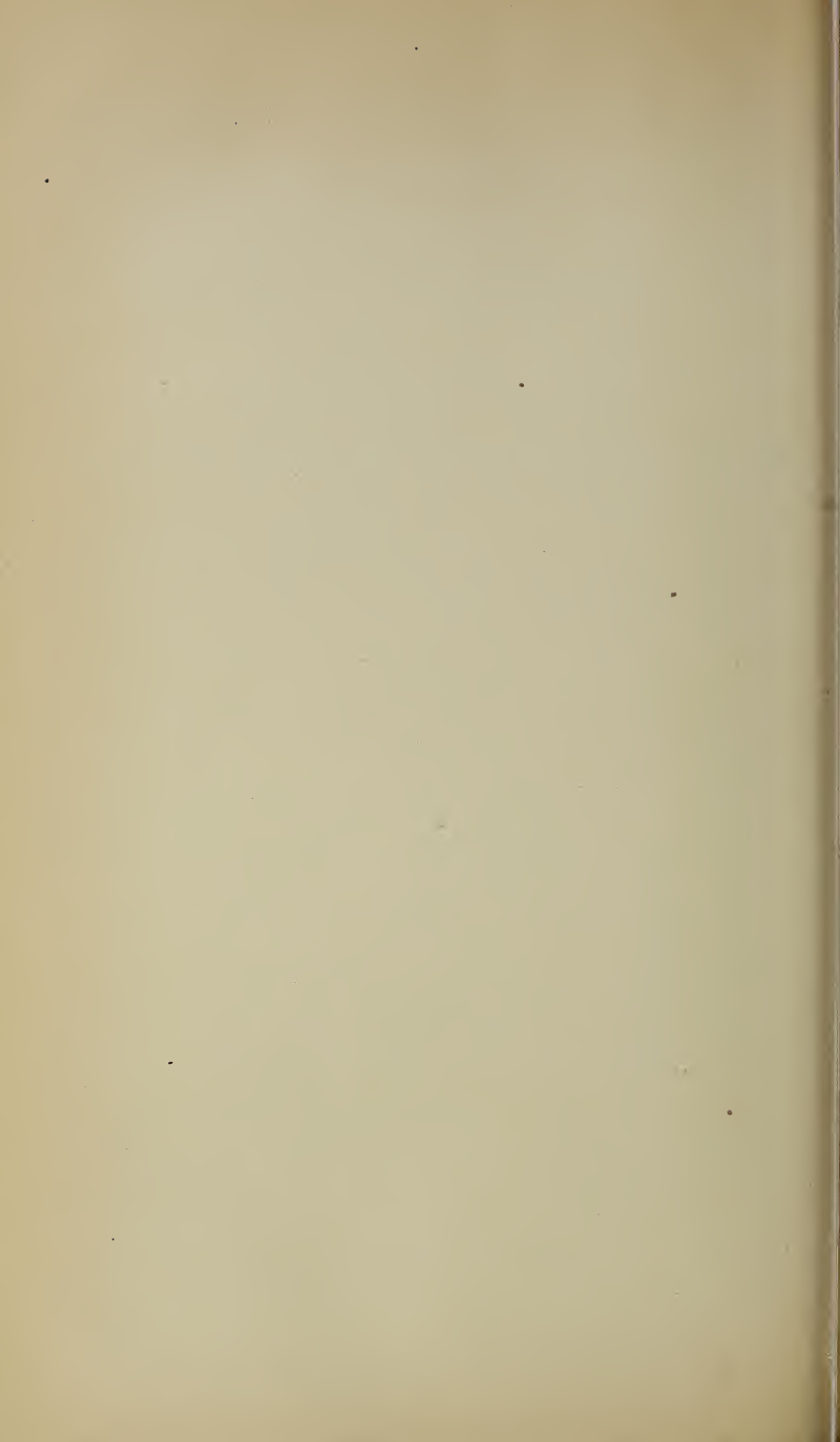
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

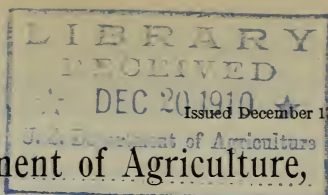
WILLIS L. MOORE,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *November 3, 1910.*









# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 662, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF LEMON FLAVOR AND VANILLA FLAVOR.

On or about March 17, 1910, the Allan B. Wrisley Company, a corporation, Chicago, Ill., shipped from the State of Illinois to the State of Minnesota a consignment of lemon flavor and vanilla flavor, respectively, labeled "Bannon's Best Terpeneless Lemon Flavor 0.075 per cent natural citral, artificially colored, Mfgd. By Allan B. Wrisley Company, for Bannon & Company, St. Paul, Minn. For flavoring pies, cakes, creams, custards, puddings, etc.;" and "Bannon's Best Vanilla Flavor, containing vanillin and coumarin, artificially colored, Mfgd. by Allan B. Wrisley Company for Bannon & Company, St. Paul, Minn. for flavoring pies, cakes, creams, custards, puddings, etc."

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture. As it appeared from the findings of the analyst and report made thereon that the products were adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Allan B. Wrisley Company and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

On September 16, 1910, a criminal information was filed in the District Court of the United States for the Northern District of Illinois against the said Allan B. Wrisley Company, charging the above shipment, and alleging that the products so shipped were adulterated and misbranded as follows: That the lemon flavor was adulterated in that a certain substance, consisting of 0.08 per cent of citral, and an artificial coloring matter, known as naphthol yellow S, had been substituted wholly or in part for the lemon extract, thereby reducing, altering, and injuriously affecting its quality and strength; in that

said substance consisting of 0.08 per cent citral and an artificial coloring substance known as naphthol yellow S had been substituted in part for the said article; in that the product was colored with said naphthol yellow S, in a manner whereby its inferiority was concealed; and that the article was misbranded in imitation of another article, to wit, pure terpeneless lemon flavor, and that the article was offered for sale under the distinctive name of another article, to wit, pure terpeneless lemon flavor; in that the product was invoiced and sold as pure terpeneless lemon flavor, whereas the product was not a pure terpeneless lemon flavor, but was an imitation thereof, consisting of 0.08 per cent of citral and an artificial coloring substance known as naphthol yellow S; in that the label above set forth as appearing on the bottles containing said lemon flavor was false and misleading in that it stated that the product was terpeneless lemon flavor containing 0.075 per cent of natural citral artificially colored, when in truth and in fact it was an imitation terpeneless lemon flavor, with the words "Terpeneless Lemon Flavor" appearing on the labels in question in conspicuous type, while the modifying words "0.075 per cent natural citral, artificially colored" appeared on said labels in small type, inconspicuously placed thereon.

That the vanilla flavor was adulterated in that a certain substance, to wit, vanillin, coumarin, and alcohol colored with caramel had been substituted wholly or in part for the vanilla extract, thereby reducing, altering, and injuriously affecting its quality and strength; in that a certain substance, to wit, a solution of vanillin, coumarin, and alcohol, colored with caramel, had been substituted in part for the said article; in that the product was colored with caramel in a manner whereby its inferiority was concealed, and that the article was misbranded in that it was an imitation of another article, to wit, pure vanilla extract; in that it was offered for sale under the distinctive name of another article, to wit, pure vanilla flavor, and in that the said article was invoiced and sold as vanilla extract, when as a matter of fact, it was not a vanilla extract, but an imitation thereof, consisting of vanillin, coumarin, and alcohol, colored with caramel.

On September 20, 1910, the defendant entered a plea of guilty to the above information, the next day a hearing was held, and on September 23, 1910, the court imposed a fine of \$100 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *November 1, 1910.*

Issued December 17, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY, Department of Agriculture

## NOTICE OF JUDGMENT NO. 663, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF VANILLA EXTRACT.

On or about November 6, 1908, the Hall-Whitney Manufacturing Company, a corporation, Binghamton, N. Y., shipped from the State of New York to the State of Ohio a quantity of a food product labeled "Williams Brand Flavoring Extract of Pure Vanilla, Guaranteed under the Food and Drugs Act of June 30, 1906. Distributors, Williams Bros. Company, Cleveland, Ohio."

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said Hall-Whitney Manufacturing Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Northern District of New York against the said Hall-Whitney Manufacturing Company, charging the above shipment, and alleging that the product so shipped was adulterated in that vanillin and caramel had been substituted wholly or in part for the article, and alleging the product to be misbranded in that the label above set forth represented the said article to be a flavoring extract of pure vanilla, when in fact and in truth said article was not a flavoring extract of pure vanilla, but an adulterated article as above set forth.

On December 8, 1909, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$100.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 1, 1910.

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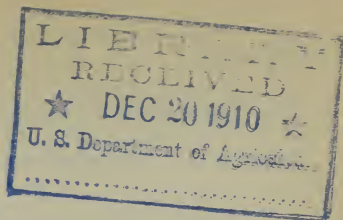
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F. & D. No. 819.  
S. No. 297.

Issued December 17, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 664, FOOD AND DRUGS ACT.

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#### ADULTERATION OF FISH.

On or about August 24, 1909, Kingsland & Comstock, New York City, shipped from the State of New York to the State of Virginia 23 barrels of fish. Examination of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Virginia.

In due course a libel was filed in the District Court of the United States for said district against the said 23 barrels of fish, charging the above shipment and alleging the product so shipped to be adulterated in that it consisted of a filthy and putrid animal substance, unfit for human consumption, and praying seizure and condemnation of the product.

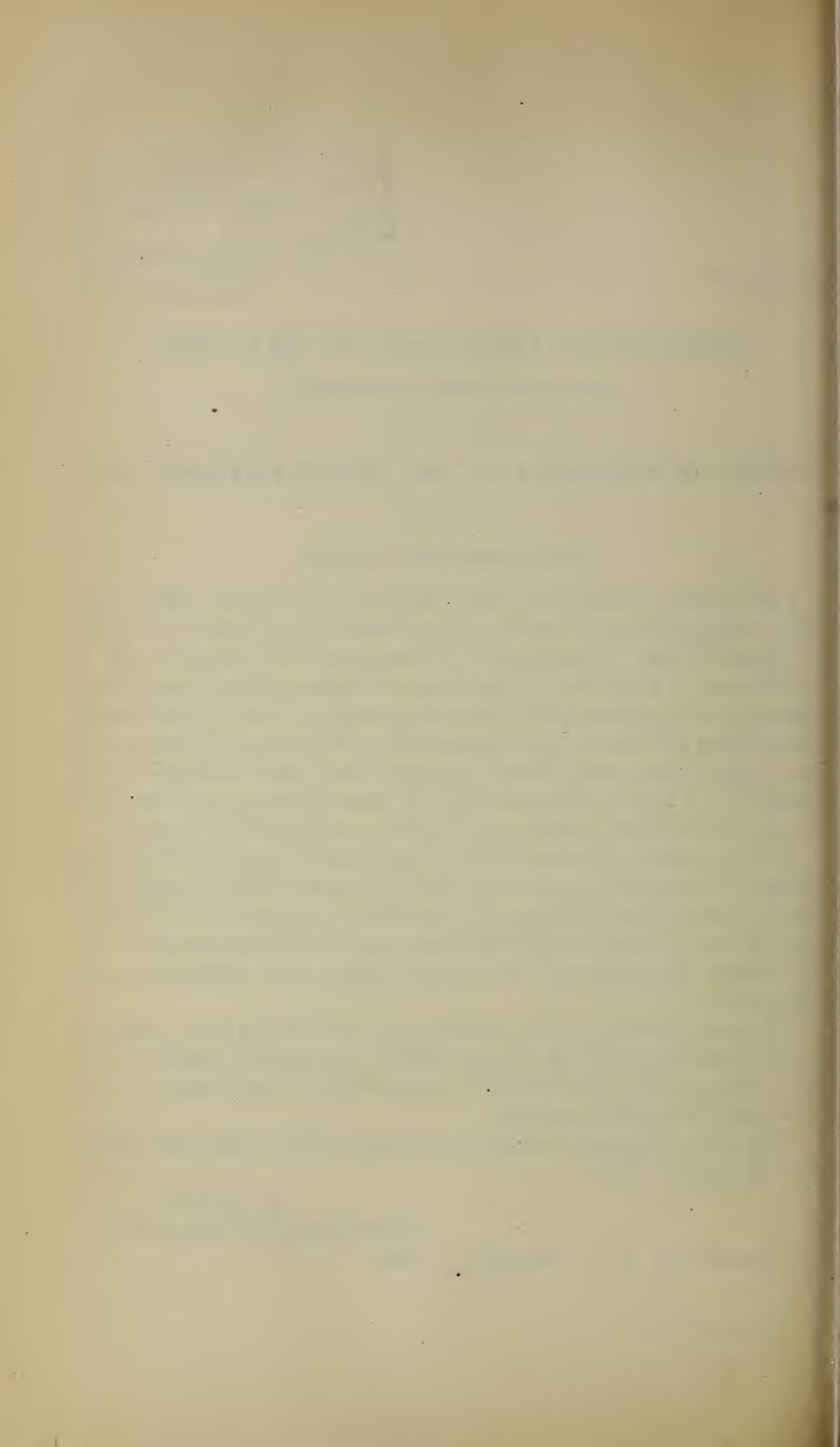
The cause coming on for hearing, the court being fully informed in the premises, issued its decree, condemning said 23 barrels of fish, and ordering their destruction by the marshal of said district, which order was forthwith executed.

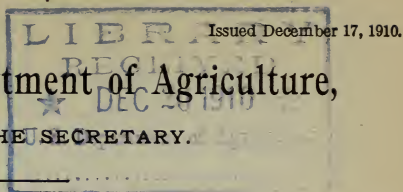
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 1, 1910.

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 665, FOOD AND DRUGS ACT.

### ADULTERATION OF DESICCATED EGG PRODUCT.

During the months of August and September, 1909, the Columbia Desiccated Egg Company, Chicago, Ill., shipped from the State of Illinois to the State of Virginia six consignments, aggregating nine drums and one barrel, of desiccated egg product. Examination of samples of this product, made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipments were liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Virginia.

In due course libels were filed in the District Court of the United States for said district against the said nine drums and one barrel of desiccated egg product, charging the above shipments and alleging that the product so shipped was adulterated in that it contained an excessive number of bacterial organisms, of which a great many were of a gas-producing type, and also contained streptococci and was composed of filthy and decomposed matter, and therefore unfit for human consumption, and praying seizure and condemnation of the product.

The causes coming on for hearing, and no claimants to the product having appeared or answer having been filed to any of the above libels, the court, being fully informed in the premises, issued its decree in each of the above cases, condemning the product and ordering its destruction by the marshal of said district, which order was forthwith executed.

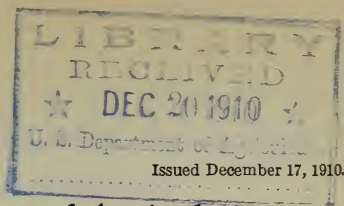
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 1, 1910.

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 666, FOOD AND DRUGS ACT.

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### ADULTERATION OF FISH.

On or about August 23, 1909, A. W. Haff, New York City, shipped from the State of New York to the State of Virginia 41 barrels of fish. Examination of samples of this product, made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Virginia.

In due course a libel was filed in the District Court of the United States for said district against the said 41 barrels of fish, charging the above shipment, and alleging the product so shipped to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance, unfit for human consumption.

The cause coming on for hearing, and no claimant having appeared or answer to said libel having been filed, the court, being fully informed in the premises, issued its decree, condemning the product and ordering its destruction by the marshal of said district, which order was forthwith executed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *November 1, 1910.*

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Issued December 17, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

★ DEC 20 1910  
U. S. Department of Agriculture

## NOTICE OF JUDGMENT NO. 667, FOOD AND DRUGS ACT.

### MISBRANDING OF MOLASSES.

On or about April 27 and November 20, 1909, Edward A. Kitzmiller and Robert P. Duff, trading under the name of P. Duff & Sons, Pittsburg, Pa., shipped from the State of Pennsylvania to the State of New York ten cases and thirty cases, respectively, each containing twenty-four cans of molasses, which cans were labeled "Full Quart Palmetto Brand Molasses, P. Duff & Sons, Pittsburg." Samples from these shipments were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Edward A. Kitzmiller and Robert P. Duff and the parties from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

On May 17, 1910, two criminal informations were filed against the said Robert P. Duff and Edward A. Kitzmiller in the District Court of the United States for the Western District of Pennsylvania, charging the above shipments and alleging that the product so shipped was misbranded, in that the cans branded as above set forth did not contain a full quart of molasses but that each of the said cans contained less than a full quart of molasses, to wit, 3.8 per cent less in thirty of the above-mentioned cases, and 5 per cent in the other ten cases.

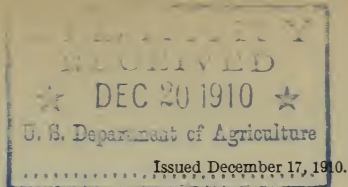
On May 21, 1910, the defendants entered pleas of guilty to the above informations and the court imposed a fine of \$50 and costs in each case.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 1, 1910.





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 668, FOOD AND DRUGS ACT.

### ADULTERATION OF ICE CREAM CONES.

On or about June 11, 1910, the Star Wafer Company, Oklahoma City, Oklahoma, shipped from the State of Oklahoma to the State of Nebraska 150,000 (more or less) ice cream cones, the packages containing which being labeled "Ice Cream Cones. Star Wafer Co. Factories Oklahoma City, Birmingham, Jacksonville, Dallas, El Paso, Los Angeles. General Offices, Oklahoma City, Okla. Each cone sweetened with less than 1/60 grain of saccharin." Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Nebraska.

In due course a libel was filed against the said 150,000 (more or less) ice cream cones in the District Court of the United States for said district, charging the above shipment and alleging that the product so shipped was adulterated, in that a certain substance, to wit, boric acid, had been mixed with and added to each of them so as to reduce and lower and injuriously affect their quality and strength, and in that each of said ice cream cones contained an added poisonous and deleterious ingredient, to wit, boric acid, which rendered such articles injurious to health, and praying seizure, condemnation, and confiscation of the product.

On September 15, 1910, the cause came on for hearing and no claimant to the product having appeared and no answer having been filed to the above libel, the court being fully informed in the premises, issued its decree, finding the 185,600 ice cream cones seized in these proceedings to be adulterated as alleged in said libel, condemning the same, and ordering their destruction by the marshal of said district.

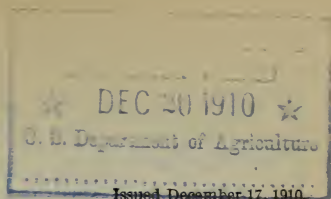
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 1, 1910.







# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 669, FOOD AND DRUGS ACT.

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### ADULTERATION OF ICE CREAM CONES.

On or about August 6, 1910, there were shipped from Brooklyn, N. Y., to Philadelphia, Pa., 72 packages, each of which contained approximately 100 ice cream cones and was labeled on two sides thereof "Sole Manufacturers. The Valvona Marchiony Co. Cones. Brooklyn Borough, New York," and on two sides "The Valvona Marchiony Co., Manufacturers of Wafers and Wafer Cup Specialties, Brooklyn, N. Y.," and on the tops thereof "Ice Cream Cones. We guarantee that these products, which are manufactured and sold by us, are not misbranded within the meaning of the Food and Drug Act of June 30, 1906. The Valvona Marchiony Co." Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania.

In due course a libel was filed against the said 72 packages of ice cream cones in the District Court of the United States for said district, charging the above shipment and alleging that the product so shipped was adulterated, in that it contained an added poisonous and deleterious ingredient, to wit, boric acid and salts thereof, which rendered the said article injurious to health, and praying seizure and condemnation of the product.

On September 9, 1910, the cause came on for hearing and no claimant to the product having appeared and no answer having been filed to the above libel, the court being fully informed in the premises, issued its decree condemning the said 72 packages of ice cream cones and forfeiting them to the use of the United States for the causes in

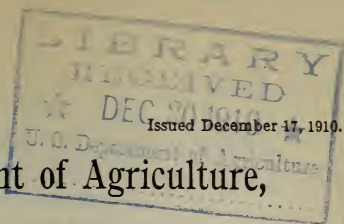
the above libel set forth, and ordering the destruction of said product by the marshal of said district, which order was forthwith executed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *November 1, 1910.*



# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 670, FOOD AND DRUGS ACT.

### ADULTERATION OF CATSUP.

On or about July 13, 23, and 25, 1910, there were shipped from Williamstown, N. J., to Philadelphia, Pa., 9 barrels of catsup, in three consignments, the first being of 5 barrels and the other two of 2 barrels each, labeled "Extra Spiced O. K. Catsup Alart & McGuire, N.Y." Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the above examination that these shipments were liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania.

In due course three libels were filed in the District Court of the United States for said district, one against the product contained in each of the shipments in question, charging the said shipments and alleging that the product so shipped was adulterated, in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, and praying seizure and condemnation of the product.

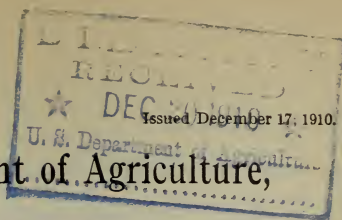
On September 9, 1910, the cause came on for hearing and no claimant to the product having appeared and no answer having been filed to any of said libels, the court being fully informed in the premises issued its decree in each of the above three cases, condemning the said 9 barrels of catsup and forfeiting it to the use of the United States for the causes in said libels set forth, and ordering its destruction by the marshal of said district, which order was forthwith executed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 1, 1910.





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 671, FOOD AND DRUGS ACT.

### ADULTERATION OF CANNED TOMATOES.

On or about August 4, 1910, the C. B. Ayars Canning Company, Bridgeton, N. J., shipped from the State of New Jersey to the State of Pennsylvania 68 cases, each containing 12 cans of tomatoes, and 1 case containing 6 cans of tomatoes, each of which cans was labeled "Emerson Brand Tomatoes. Cold Packed. These Tomatoes are carefully selected and packed expressly for the finest trade—finest quality—Emerson Brand Tomatoes. Packed by B. S. Ayars & Sons Co., Bridgeton, N. J." Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania.

In due course a libel was filed in the District Court of the United States for said district against the said 69 cases of canned tomatoes, charging the above shipment and alleging that the product so shipped was adulterated, in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, and praying seizure and condemnation of the product.

On September 9, 1910, the cause came on for hearing and no claimant to the product having appeared and no answer having been filed to the above libel, the court being fully informed in the premises issued its decree, condemning said product and forfeiting the same to the use of the United States for the causes in said libel set forth, and ordering its destruction by the marshal of said district, which order was forthwith executed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 1, 1910.



Issued December 17, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 672, FOOD AND DRUGS ACT.

### ADULTERATION OF ICE CREAM CONES AND ICE CREAM CLAMS.

On or about April 28, 1910, there were shipped from Brooklyn, N. Y., to Philadelphia, Pa., 5 packages of ice cream cones, each of which packages was labeled "Consolidated Ice Cream Cones—16—Wafer Company, Inc., Brooklyn, N. Y., U. S. A. Sole Manufacturers Consolidated Wafer Co., Brooklyn, N. Y., U. S. A." and "The Brooklyn Ice Cream Cone Manufactured by Consolidated Wafer Co., Inc.," and 35 packages of ice cream clams, each of which packages was labeled "Consolidated Wafer Co., Incorporated. Manufacturers of high grade Ice Cream Clams. Very tasty clams. Ice Cream Novelties." Examination of samples of these products by the Bureau of Chemistry, United States Department of Agriculture, showed them to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania.

In due course a libel was filed in the District Court of the United States for said district against the said 5 packages of ice cream cones and 35 packages of ice cream clams, charging the above shipment and alleging the products so shipped to be adulterated, in that they contained an added poisonous and deleterious ingredient, to wit, boric acid and salts thereof, which rendered said articles of food injurious to health, and praying seizure and condemnation of the products.

On September 9, 1910, the cause came on for hearing and no claimant to the said products having appeared and no answer having been filed to said libel, the court being fully informed in the premises issued its decree, condemning said products and forfeiting them to the use of the United States for the causes in the above libel set forth, and ordering their destruction by the marshal of said district, which order was forthwith executed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

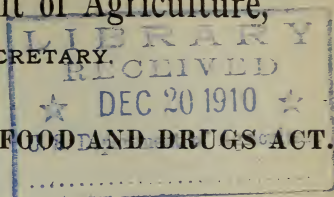
WASHINGTON, D. C., November 1, 1910.



Issued December 17, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.



## NOTICE OF JUDGMENT NO. 673, FOOD AND DRUGS ACT.

### ADULTERATION OF MILK.

On or about August 10 and 13, 1909, Henry A. Boberink, Lawrenceburg, Ind., shipped from the State of Indiana to the State of Ohio twelve cans of milk, in three consignments, one of three cans on the former date, and one of three and one of six cans on the latter. Samples from these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon showed that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Henry A. Boberink and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

On May 7, 1910, an indictment was brought against the said Henry A. Boberink by the grand jurors of the United States in and for the District of Indiana at the May term of the District Court of the United States for said district, charging the above shipments and alleging the milk so shipped was adulterated in that a certain substance, to wit, water, had been mixed with the milk contained in four of the cans so as to reduce and lower its quality and strength; in that a valuable constituent of the milk contained in four of said cans, to wit, butter fat, had been in part abstracted therefrom; and in that a certain substance, to wit, water, had been substituted in part for milk in the other four cans.

On May 17, 1910, the defendant entered a plea of guilty to the above indictment and the court imposed a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 1, 1910.





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

DEC 20 1910 ☆

## NOTICE OF JUDGMENT NO. 674, FOOD AND DRUGS ACT.

### ADULTERATION OF MILK.

On or about August 10 and 13, 1909, Henry A. Boberink, Lawrenceburg, Ind., shipped from the State of Indiana to the State of Ohio twelve cans of milk, in two consignments of nine and three cans, respectively. Samples from these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Henry A. Boberink and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

On May 7, 1910, an indictment was brought against the said Henry A. Boberink by the grand jurors of the United States in and for the District of Indiana, at the May term of the District Court of the United States for said district, charging the above shipments and alleging that the milk contained in five of said cans was adulterated, in that a certain substance, to wit, water, had been mixed with said milk so as to reduce and lower its quality and strength; that the milk contained in two of said cans was adulterated in that a valuable constituent of said milk, to wit, butter fat, had been in part abstracted therefrom; and that the milk contained in the other five cans was adulterated in that a certain substance, to wit, water, had been substituted in part for said milk.

On May 17, 1910, the defendant entered a plea of guilty to the above indictment and the court imposed a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 1, 1910.

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY

DEC 20 1910 ★

U. S. DEPARTMENT OF AGRICULTURE

## NOTICE OF JUDGMENT NO. 675, FOOD AND DRUGS ACT.

### MISBRANDING AND ADULTERATION OF EGGS.

On or about September 27, 1909, Armour & Co., a corporation, by Charles W. Cornwell, the local manager and agent of said company, in and for the District of Columbia, offered for sale within said District and did sell a quantity of a food product labeled "Armour's Star Brand—Fancy Selected Eggs—Guaranteed pure and wholesome," etc. Samples of this product were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was misbranded and adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said Armour & Co., Charles W. Cornwell, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said sale and offering for sale were in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Police Court of the District of Columbia, and subsequently amended, against the said Armour & Co. and Charles W. Cornwell, charging the above sale and offering for sale, and alleging that the product in question was misbranded, in that the words "pure and wholesome" on the label above set forth were false and misleading because said food was not "pure and wholesome" but consisted wholly or in part of a filthy, decomposed, and putrid animal substance; and alleging the product to be adulterated, in that it consisted of a filthy, decomposed, and putrid animal substance.

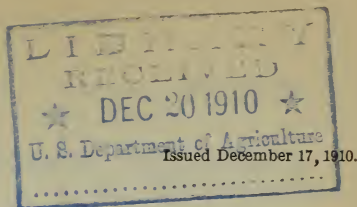
The cause coming on for hearing, the charge of misbranding was dismissed, and a plea of guilty was entered in behalf of Armour & Co. to the charge of adulteration, whereupon the court imposed a fine of \$200.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

WILLIS L. MOORE,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 5, 1910.





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 676, FOOD AND DRUGS ACT.

### ADULTERATION OF DESICCATED EGGS.

On or about August 3, 1910, the Country Club Egg Company, Galena, Mo., shipped from the State of Missouri to the State of New York 5 barrels of desiccated eggs. Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed that it was adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As the findings of the analyst and report thereon showed that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States Attorney for the Southern District of New York.

In due course a libel was filed in the District Court of the United States for said district against the said 5 barrels of desiccated eggs, charging the above shipment, alleging that the product so shipped was adulterated, in that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance, and praying seizure and condemnation of the product.

On September 15, 1910, the cause came on for hearing and no appearance having been filed by any claimant to the product or answer having been filed to said libel, the court being fully informed in the premises, issued its decree condemning and forfeiting said product to the United States and ordering its destruction by the marshal of said district.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 1, 1910.

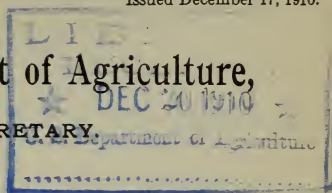
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Issued December 17, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.



## NOTICE OF JUDGMENT NO. 677, FOOD AND DRUGS ACT.

### MISBRANDING OF COFFEE.

On or about April 14, 1910, Young Brothers, Incorporated, Seattle, Wash., shipped from the State of Washington to the State of Idaho a quantity of coffee which was labeled "Red Gate Mocha and Java Coffee. Roasted and packed by Young Brothers (Inc.), Seattle, Wash." Samples of this product were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said Young Brothers, Incorporated, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

On August 30, 1910, a criminal information was filed in the District Court of the United States for the Western District of Washington, charging the above shipment and alleging that the product so shipped was misbranded, in that the label above set forth would deceive and mislead the purchaser, said label conveying the impression that the product was composed of Mocha and Java coffee, whereas in truth and in fact said product was a blend of South American and Dutch East Indian coffees.

On September 19, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$20 and costs.

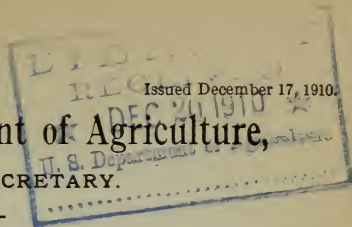
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *November 1, 1910.*





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 678, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF VINEGAR.

On or about February 24, 1909, the Mount Pickle Company, a corporation, Salt Lake City, Utah, shipped from the State of Utah to the State of Idaho a quantity of a food product labeled "Mount Pickle Company, Apple Cider Vinegar, 46 gallons, Salt Lake City, Serial No. 5990." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said Mount Pickle Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

On September 13, 1909, a criminal information was filed against the said Mount Pickle Company in the District Court of the United States for the District of Utah, charging the above shipment, and alleging that the product so shipped was adulterated in that its strength and purity were below the professed standard or quality for which it was sold, and in that certain substances had been substituted in part for apple cider vinegar, and alleging that the product was misbranded in that it was labeled as above set forth, it being intended by said label to publish and have it understood that the product was apple cider vinegar, whereas in truth and in fact it was a mixture of cider vinegar diluted with acetic acid and a foreign matter prepared in imitation of cider vinegar.

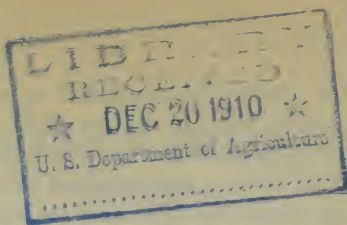
On November 10, 1909, the case came on for hearing, and the defendant entered a plea of guilty to the above information, whereupon the court imposed a fine of \$35 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 1, 1910.





Issued December 17, 1910.

## United States Department of Agriculture,

### OFFICE OF THE SECRETARY.

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#### NOTICE OF JUDGMENT NO. 679, FOOD AND DRUGS ACT.

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##### ADULTERATION AND MISBRANDING OF VINEGAR.

On or about September 2, 1909, the Gordon Vinegar Company, a corporation, Pontiac, Mich., sold and delivered to C. G. Freeman, of the city of Pontiac aforesaid, a quantity of a liquid contained in barrels labeled "Gordon Vinegar Company. Apple Cider Vinegar Fermented. Pontiac, Michigan," guaranteeing to such purchaser that the said product complied with the terms and provisions of the Food and Drugs Act of June 30, 1906. Subsequently, on or about September 5, 1909, the above-named purchaser, under the protection of the aforesaid guaranty, shipped from the State of Michigan to the State of Indiana five barrels of said product without changing the same in any particular whatsoever. Samples of this shipment were procured and analysed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded opportunities for hearings to the party from whom the samples were procured, to the shipper, and to the guarantor of said product. As it appeared after hearings held that there had been a violation of the act on the part of the above-named guarantor, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Michigan against the said Gordon Vinegar Company charging the above guaranty and shipment and alleging that the product so guaranteed and shipped was adulterated, in that it consisted wholly or in part of a solution of dilute acetic acid mixed with a product high in reducing sugars and

artificially colored in imitation of genuine cider vinegar, so as to reduce, lower, and injuriously affect its quality and strength, and in that such substance had been substituted wholly or in part for the article, and alleging said product to be misbranded, in that the label above set forth was false and misleading and deceptive to the purchaser thereof, because it represented the product to be "Apple Cider Vinegar," when in truth and in fact it was an adulterated product consisting wholly or in part of dilute acetic acid, artificially colored in imitation of genuine cider vinegar.

On September 19, 1910, the defendant appeared by Charles W. Gordon, its president, and entered a plea of nolo contendere, whereupon the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *November 1, 1910.*

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 680, FOOD AND DRUGS ACT.

### ADULTERATION OF MILK.

On or about August 10 and 13, 1909, Edward J. Koechlin, Delaware, Ind., shipped from the State of Indiana to the State of Ohio two consignments of milk, aggregating 10 cans. Samples of these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon showed that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Edward J. Koechlin and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

On May 7, 1910, an indictment was brought against the said Edward J. Koechlin by the grand jurors of the United States in and for the District of Indiana, at the May term of the District Court of the United States for the said district, charging the above shipments, and alleging that the product so shipped was adulterated, in the case of four of said cans because a certain substance, to wit, water, had been mixed with the milk in said four cans so as to reduce and lower its strength and quality, in the case of two of the remaining cans because a valuable constituent of the milk in said two cans, to wit, butter fat, had been in part abstracted therefrom, and in the case of the other four cans because a certain substance, to wit, water, had been substituted in part for the milk in said cans.

On May 17, 1910, the defendant entered a plea of guilty to the above indictment and the court imposed a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 1, 1910.



## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 681, FOOD AND DRUGS ACT.

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#### ADULTERATION AND MISBRANDING OF VINEGAR.

On or about September 29, 1909, there were shipped from Chicago, Ill., to Indianapolis, Ind., 9 barrels of vinegar labeled "Guaranteed Cider Vinegar 6 per centum Spielmann Brothers Co. Mfg. 8441." Analysis of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Indiana.

On February 24, 1910, a libel was filed in the District Court of the United States for said district against the said 9 barrels of vinegar, charging the above shipment, and alleging the product so shipped to be adulterated, in that the said barrels and each of them contained a product with which had been mixed a dilute solution of acetic acid and a product high in reducing sugars so as to injuriously affect its quality, and alleging that said barrels were misbranded in that the statements on the labels above set forth as to the ingredients and substances contained in said product were false and misleading, because the said product purported to be cider vinegar, when in truth and in fact it was but an imitation thereof, so that the statements contained on said labels were calculated to deceive and mislead the purchasers thereof, and praying seizure, condemnation, and forfeiture of the product.

On May 2, 1910, said Spielmann Brothers Company filed a claim to the above nine barrels of vinegar. In due course the cause came on for hearing and the court being fully informed in the premises, issued

its decree sustaining the allegations of the above libel and condemning the product as misbranded and adulterated, with a proviso, however, that said goods should be delivered to said claimant upon the payment of costs and execution and delivery of a satisfactory bond conditioned that the product in question should not be sold or otherwise disposed of contrary to law.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *November 1, 1910.*

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Issued December 17, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 682, FOOD AND DRUGS ACT.

### ADULTERATION OF DESICCATED EGGS.

On or about February 4, 1910, The Crandall Pettee Company, a corporation, New York City, shipped from the State of New York to the State of Virginia a quantity of desiccated egg labeled: "The Crandall Pettee Co., Bakers and Confectioners Supplies, New York." Samples from this shipment were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said The Crandall Pettee Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York against said The Crandall Pettee Company charging the above shipment and alleging that the product so shipped was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.

Upon arraignment the defendant entered a plea of guilty to the above information and the court imposed a fine of \$25.

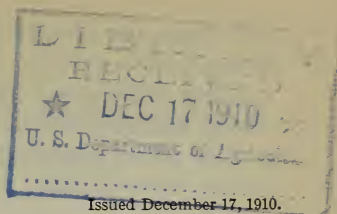
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *November 1, 1910.*

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 683, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF BRANDY.

On or about April 16, 1909, Julius Heymanson, doing business under the name of the Consolidated Importing Company, Chicago, Ill., shipped from the State of Illinois to the State of Missouri a quantity of alleged brandy labeled "Jas. Hennessy & Co. Cognac. Registered in United States Patent Office. France. Guaranteed under the Food and Drugs Act June 30, 1906. Serial Number 3241." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

On September 16, 1910, a criminal information was filed in the District Court of the United States for the Northern District of Illinois against the said Julius Heymanson, charging the above shipment and alleging that the product so shipped was adulterated, in that a substance, to wit, an imitation brandy had been mixed and packed with said article of food so as to reduce, lower, and injuriously affect its quality and strength; in that an imitation brandy had been substituted wholly or in part for the product; and in that said article of food had been colored with caramel in a manner whereby its inferiority was concealed; and alleging the product to be misbranded, in that the label above set forth was false and misleading because it purported that the article was a foreign product when as a matter of fact it was not, but was an imitation brandy made in the United States and sold and shipped under the labels of Jas. Hennessy & Co., of France; in that the product was an imitation brandy offered for

sale under the distinctive name of another article, to wit, "Jas. Hennessy & Co. Cognac. France."

Upon arraignment the defendant entered a plea of guilty to the above information and the court imposed a fine of \$10.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *November 1, 1910.*

683

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 684, FOOD AND DRUGS ACT.

### MISBRANDING OF LEMON FLAVORING.

On or about December 17, 1909, The Crandall Pettee Company, a corporation, New York City, shipped from the State of New York to the State of North Carolina a quantity of a food product labeled "The Crandall Pettee Company. All lemon compound put up especially for bakers' use. Of unusual sweetness and purity. Better than lemon oil because it needs not to be cut or reduced. Better than lemon extract because it will not bake out in the oven. For sale only by Crandall Pettee Company, 40-42 Renwick Street, New York City." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Crandall Pettee Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York against the said Crandall Pettee Company charging the above shipment and alleging that the product so shipped was misbranded, in that it was labeled so as to deceive and mislead the purchaser into the belief that the product consisted of pure lemon oil, when as a matter of fact nearly 80 per cent of said product was sesame.

Upon arraignment the defendant entered a plea of guilty to the above information and the court imposed a fine of \$5.

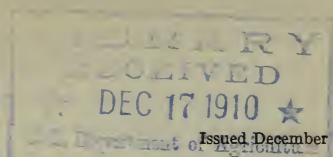
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *November 1, 1910.*





Issued December 17, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 685, FOOD AND DRUGS ACT.

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#### MISBRANDING OF VINEGAR.

On or about March 30, 1910, the Leroux Cider and Vinegar Company, Toledo, Ohio, shipped from the State of Ohio to the State of Pennsylvania 33 barrels and 16 half barrels of vinegar, on the head of each of which said barrels and half barrels were the words "The Leroux Cider & Vinegar Co. Premier Brand Fermented Apple Cider Vinegar, Toledo." Analysis of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As the findings of the analyst and report thereon indicated that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Pennsylvania.

On June 16, 1910, a libel was filed in the District Court of the United States for said district against the said 33 barrels and 16 half barrels of vinegar, charging the above shipment and alleging said product to be adulterated and misbranded, in that it was not fermented apple cider vinegar but a mixture of dilute acetic acid or distilled vinegar with a substance high in reducing sugars and foreign ash material prepared in imitation of fermented apple cider vinegar, and praying seizure, condemnation, and forfeiture of the product.

On July 29, 1910, the said Leroux Cider and Vinegar Company filed its claim to the above vinegar and on the same day the cause came on for hearing and the court being fully informed in the premises, entered its decree finding that said vinegar had been misbranded as alleged in said libel and ordering that it should not be sold or otherwise disposed of contrary to the provisions of the above mentioned

act, and it appearing that the cost of the above libel proceedings had been paid and a good and sufficient bond executed and delivered to the marshal by said claimant to the effect that the said 33 barrels and 16 half barrels of vinegar would not be sold or otherwise disposed of contrary to the provisions of the above act, it was further ordered and decreed that said product should be delivered to the above mentioned claimant.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *November 1, 1910.*

Issued December 17, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

U. S. Department of Agriculture.

## NOTICE OF JUDGMENT NO. 686, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF "YANDO EGG NOODLES."

On or about October 15, 1908, Ernesto Bisi, doing business as the U. S. Macaroni Company, Carnegie, Pa., shipped from the State of Pennsylvania to the State of West Virginia a consignment of a food product labeled "Yando Egg Noodles." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Ernesto Bisi and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

On May 17, 1910, a criminal information was filed in the District Court of the United States for the Western District of Pennsylvania against the said Ernesto Bisi, charging the above shipment and alleging that the product so shipped was adulterated, in that it was stained and colored with a dye of the tartrazine group, and alleging that the product was misbranded, in that it was labeled "Yando Egg Noodles," when it did not contain sufficient egg to justify the use of the word "egg" in the description of the same, and in that the coloring matter above-mentioned was added for the purpose of giving the noodles the coloring that would be found in the genuine properly constituted egg noodles.

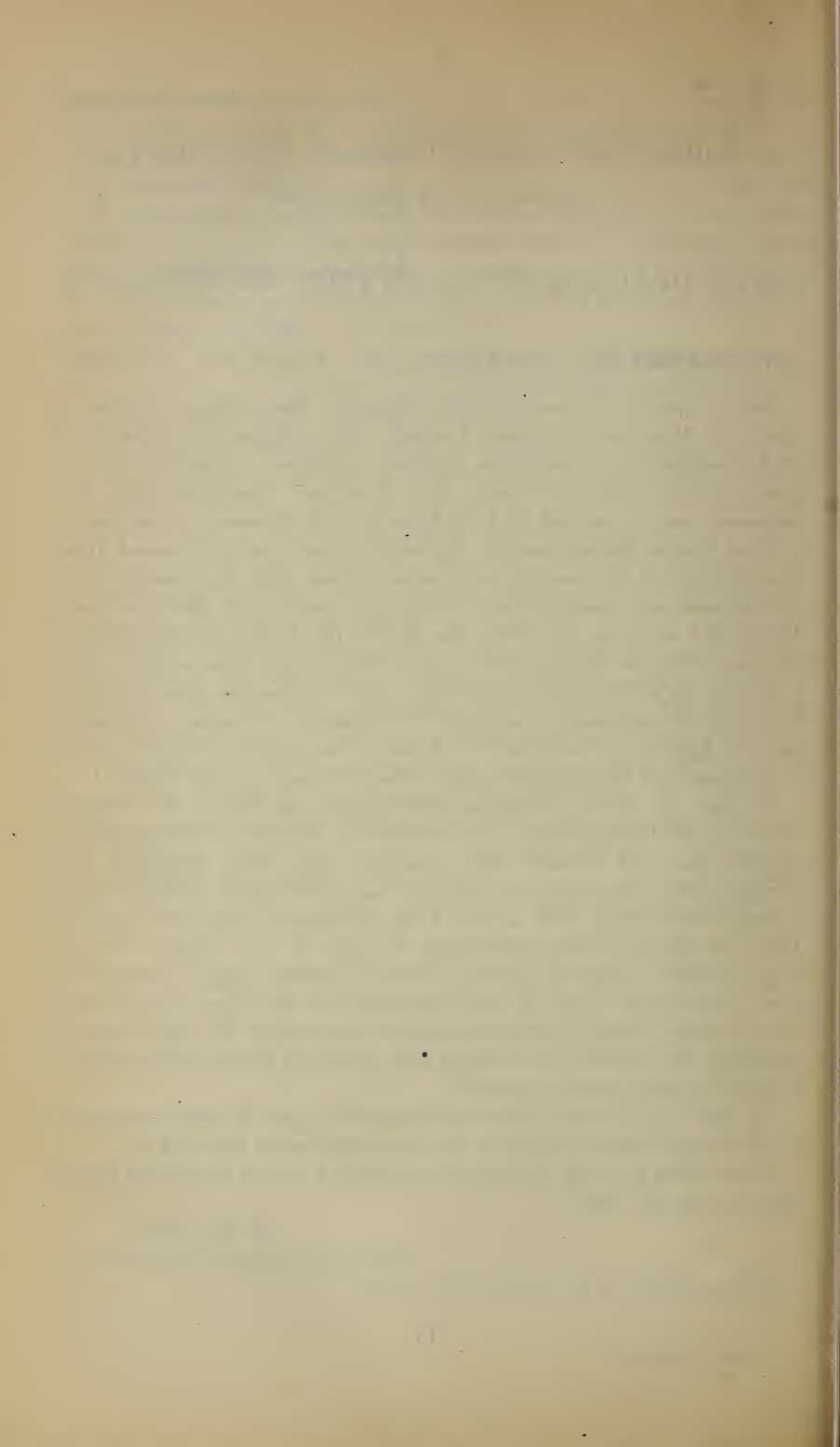
On May 21, 1910, the defendant entered a plea of *nolo contendere* to the above information and the court imposed a fine of \$50.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 1, 1910.

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Issued December 17, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 687, FOOD AND DRUGS ACT.

### MISBRANDING OF VINEGAR.

On or about September 28, 1909, the Harbauer-Marleau Company, Toledo, Ohio, shipped from the State of Ohio to the State of Pennsylvania 75 barrels of vinegar, each of which was labeled "Pure Cider Fermented Apple Vinegar Made by Harbauer-Marleau Co., Toledo, O." Analysis of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Pennsylvania.

On May 19, 1910, a libel was filed in the District Court of the United States for said district against the said 75 barrels of vinegar, charging the above shipment and alleging the product to be adulterated and misbranded, in that it was not a pure cider vinegar as represented on the label above set forth, but consisted in whole or in part of a dilute solution of acetic acid or distilled vinegar and a product high in reducing sugars, mixed and prepared in imitation of pure cider fermented apple vinegar, and praying seizure and condemnation of the product.

On June 6, 1910, the said Harbauer-Marleau Company filed a claim to the vinegar in question and on the same day the cause coming on for hearing, the court being fully informed in the premises, issued its decree finding the vinegar to be misbranded and ordering that upon the payment of costs and the filing of a satisfactory bond by the claimant in the sum of \$500, to be approved by the court, conditioned that said vinegar should not be sold or otherwise disposed of contrary to law, that said 75 barrels of vinegar should be returned to said claimant.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

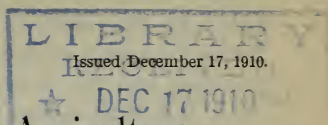
W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 2, 1910.

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 688, FOOD AND DRUGS ACT.

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### MISBRANDING OF VINEGAR.

On or about March 15, 1909, there were shipped from the State of Michigan to the State of West Virginia 68 barrels of a food product labeled: "Oakland Brand Vinegar, Fermented, 4 per cent Oakland Vinegar & Pickle Company, Saginaw, Mich.: The Cider Vinegar in this Barrel is superior and guaranteed by the manufacturer to conform in every particular with the pure food laws of Michigan or any other state where pure food laws are in force."

Analysis of samples of this product, made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of West Virginia.

In due course a libel was filed in the District Court of the United States for said district, against the said 68 barrels of vinegar, charging the above shipment, and alleging the product so shipped to be misbranded, for the reason that the said barrels did not contain "cider vinegar fermented, 4 per cent," and was not superior and did not conform in every particular with the pure food laws of Michigan or the pure food laws of States where pure food laws are in force, as they purport to conform, but on the contrary, contained a mixture or compound prepared from a diluted solution of acetic acid and unfermented apple juice, showing some vinegar, the labeling of said barrel as above set forth being misleading and false, so as to deceive the purchaser and so as to offer the contents of said barrels for sale under the distinctive name of another article; and praying seizure and condemnation of the product.

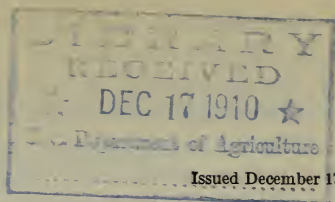
On June 22, 1909, a decree was entered by the court, ordering that the above libel be taken pro confesso, and condemning the said vinegar and forfeiting it to the United States. Subsequently to the entry of this decree, the above mentioned Oakland Vinegar and Pickle Company entered its appearance and filed a claim to the above product, and the cause coming on for final hearing, on January 21, 1910, the court issued its decree nunc pro tunc as of June 22, 1909, ordering the delivery of said barrels of vinegar to the claimant, upon the payment of all costs and the furnishing of a good and sufficient bond by said claimant, in the sum of \$1,000, conditioned that the hereinbefore mentioned barrels of vinegar should not be sold or otherwise disposed of contrary to the provisions of said act. The costs having been paid and bond furnished, in accordance with the terms of this decree, the said barrels of vinegar were delivered to claimant.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *November 2, 1910.*



## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 689, FOOD AND DRUGS ACT.

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#### ADULTERATION AND MISBRANDING OF LEMON EXTRACT.

On or about January 11, 1910, Simon Ullmann and Samuel Dreifus, doing business under the firm name and style of Ullmann, Dreifus & Co., Cincinnati, Ohio, shipped from the State of Ohio into the State of Michigan, a quantity of a food product labeled:

[On carton.]

King B Concentrated Extract of Pure, Imitation, Lemon. From the Laboratory of Ullmann, Dreifus & Co., Cincinnati, Ohio. For Flavoring ice-cream, soda water, custard, cakes, jellies, confections, etc. The delicious flavor possessed by King B Concentrated Extract is due to the excellence of the material used, and to the great care with which they are prepared;

[On bottle.]

King B Compound citral and lemon, Colored, manufactured by Ullmann, Dreifus & Co., Cincinnati, O.

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture. As the findings of the analyst and report thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, said Ullmann, Dreifus & Co. and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Southern District of Ohio against the said Simon Ullmann and Samuel Dreifus, trading as Ullmann, Dreifus & Co., charging the above shipment and alleging that the product so shipped was adulterated, in that a dilute solution of alcohol was sub-

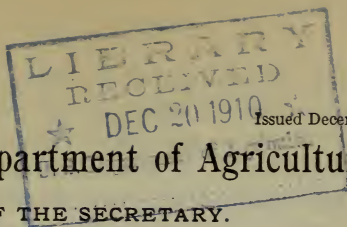
stituted wholly or in part for the article, to wit, lemon flavor; in that the said article of food, then and there purporting to be a pure lemon flavor, did not contain any oil of lemon, and not more than a mere trace of citral derived from the oil of lemon; in that said dilute solution of alcohol was mixed and packed as and with said article of food, so as to reduce, lower and injuriously affect the quality and strength of said article of food; in that the product was colored artificially and in a manner whereby its inferiority hereinbefore described was concealed; and alleging the product to be misbranded, in that the labels above set forth bore statements regarding said article of food and the ingredients and substances contained therein, which were false, misleading and deceptive, because they conveyed to the purchaser the impression that said article of food was a lemon flavor, whereas, in truth and in fact, the same contained no lemon oil, and no more than a mere trace of citral derived from the oil of lemon, being a dilute solution of alcohol artificially colored; in that the word "imitation" which was stamped on the front and back of the carton containing the bottles of the product was false and misleading, in that it was intended to convey to the purchaser the idea that the product was an imitation extract of lemon whereas, in truth and in fact, it was absolutely worthless as a flavor and was not an imitation extract of lemon, but merely a dilute solution of alcohol, containing no more than a mere trace of citral derived from the oil of lemon.

The case coming on for hearing, the above-named defendants entered a plea of nolo contendere to the above information; whereupon the court imposed a fine of \$25 and costs of prosecution.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 2, 1910.



# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 690, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF VINEGAR.

On or about September 6, 1909, Barrett & Barrett, Chicago, Ill., shipped from the State of Illinois to the State of Wisconsin a quantity of a liquid in barrels, which were labeled "Barrett & Barrett. Cider Vinegar. Made '08, 50 gallons. Chicago. 4% acetic acid." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Barrett & Barrett and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

On September 16, 1910, a criminal information was filed in the District Court of the United States for the Northern District of Illinois against the said Barrett & Barrett, charging the above shipment, and alleging that the product so shipped was adulterated, in that a certain article, to wit, a mixture of distilled vinegar and a product high in reducing sugars, had been mixed and packed with the product so as to injuriously affect its quality and strength; in that a certain substance, to wit, a mixture of distilled vinegar and a product high in reducing sugars, had been substituted wholly or in part for the article, thereby reducing, altering, and injuriously affecting its quality and strength; in that a certain substance, to wit, a mixture of distilled vinegar and a product high in reducing sugars, had theretofore been and was then and there substituted in part for the said article; and in that the product was colored in a manner whereby its inferiority was concealed; and alleging that the product was misbranded, in that it was labeled as above set forth, whereas in truth and in fact it was a mixture of distilled vinegar and a product high in reducing sugars and was an imitation of another article, to wit, pure cider vinegar; in that the product

was offered for sale under the distinctive name of another article, to wit, pure cider vinegar; in that the product was invoiced and sold to the dealer as pure cider vinegar, whereas in truth and in fact it was an imitation of pure cider vinegar and was a mixture high in reducing sugars; and in that the statements upon the labels were false and misleading, because they tended to deceive and mislead the purchaser into believing that he was obtaining a pure cider vinegar made by the alcoholic and subsequently acetous fermentations of the juice of apples, when in truth and in fact the product was an adulterated one consisting of a mixture of distilled vinegar and a product high in reducing sugars.

On September 20, 1910, the defendant entered a plea of not guilty, but on October 6, 1910, withdrew said plea and substituted therefor a plea of guilty, whereupon the court imposed a fine of \$100 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *November 2, 1910.*



# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 691, FOOD AND DRUGS ACT.

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### MISBRANDING OF STOCK FEED.

On or about February 26, 1909, the International Sugar Feed Company, a corporation, Minneapolis, Minn., shipped from the State of Minnesota to the State of Illinois a quantity of a food product contained in sacks, each of which was labeled "100 lbs. International Sugar Feed for Hogs. Protein 14.50%, fat 3.50%, fibre 12.50%, carbohydrates 41.50%. Mfgd. by International Sugar Feed Co." and to each of which sacks there was attached a tag bearing the words "Ingredients: Tankage molasses, oats, barley, wheat, buckwheat, salt, and charcoal." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, said International Sugar Feed Company and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

On October 6, 1910, a criminal information was filed in the District Court of the United States for the District of Minnesota against the said International Sugar Feed Company charging the above shipment, and alleging that the product so shipped was misbranded, in that the above mentioned label and tag bore the false and misleading statement that the product was a food when in truth and in fact it was not a food, but a mixture of feed and charcoal, and in that said label and tag purported to state all the ingredients contained in said food, when in truth and in fact it did not so state, said article of food containing a large percentage of weed seeds and screenings.

Upon arraignment said defendant entered a plea of guilty to the above information, and the court imposed a fine of \$10.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *November 2, 1910.*

Issued December 17, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 692, FOOD AND DRUGS ACT.

### MISBRANDING OF VANILLA EXTRACT.

On or about February 21, 1910, R. C. Williams & Co., a corporation, New York City, shipped from the State of New York to the State of Michigan a quantity of a food product contained in bottles labeled "Slightly Colored with Burnt Sugar. Berwick XXX Pure Flavoring Extracts Vanilla. Manufactured by R. C. Williams & Co., 56, 58 & 60 Hudson St., New York." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said R. C. Williams & Co. and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

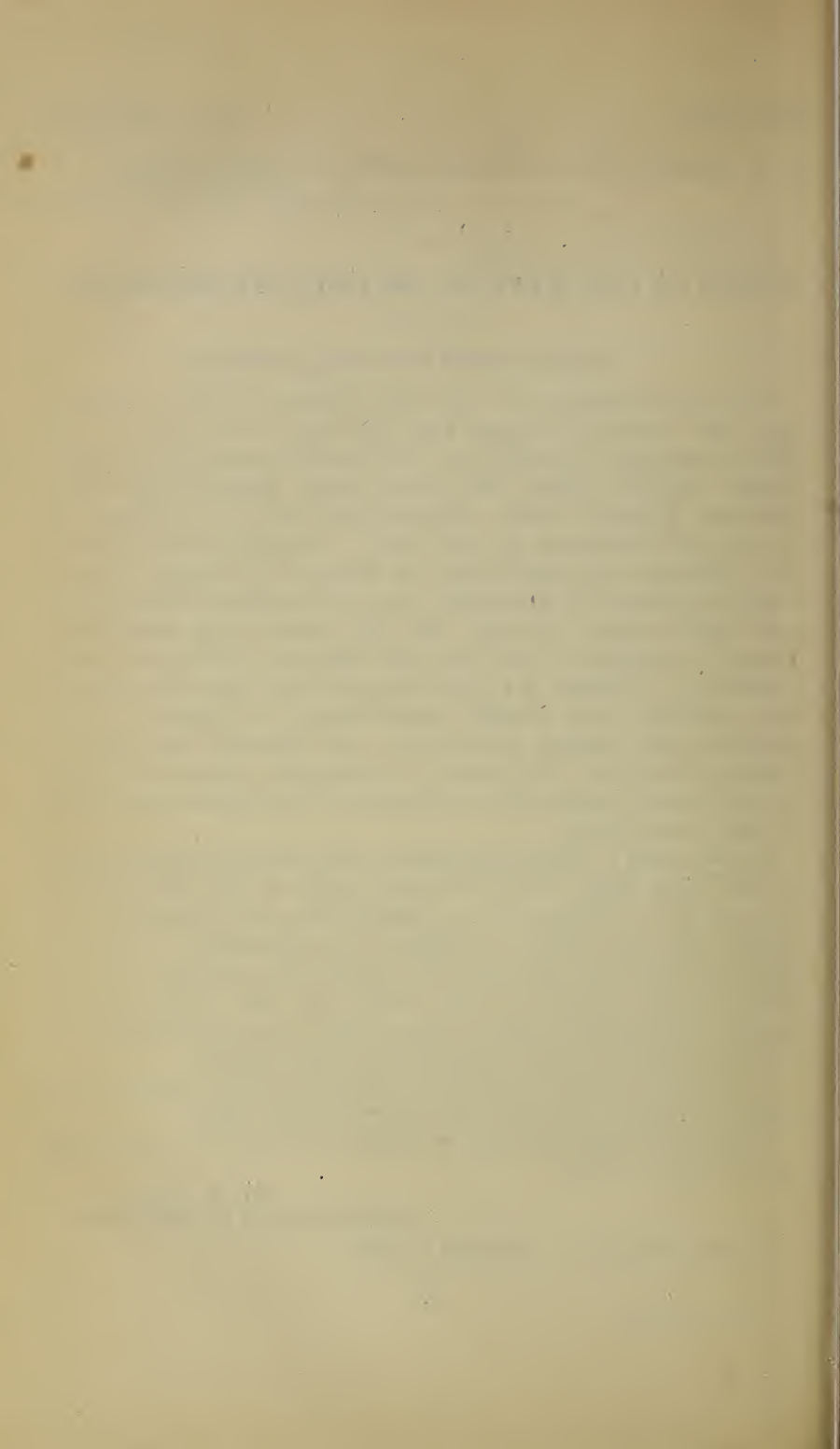
In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York against the said R. C. Williams & Co., charging the above shipment, and alleging that the product so shipped was misbranded, in that the label above set forth was such as to mislead the purchaser into the belief that the contents of said bottles were pure vanilla extract, whereas in truth and in fact it was a dilute extract, artificially colored in a manner whereby its inferiority was concealed.

On October 4, 1910, the defendant entered a plea of guilty to the above information, and the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 2, 1910.



Issued December 17, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 693, FOOD AND DRUGS ACT.

### MISBRANDING OF A DRUG PRODUCT (ALLEGED DRUG-HABIT CURE).

On or about January 13 and June 14, 1909, W. J. Tucker, Atlanta, Ga., shipped in two separate consignments from the State of Georgia to the District of Columbia a quantity of a drug product, consisting of an alleged drug-habit cure, labeled "Dr. W. J. Tucker, 43-1/2 Whitehall Street, Atlanta, Ga. Prepared exclusively for L. F. Kay. Take a teaspoonful in water 3 times a day. Make each bottle last a week or more."

Samples from these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said W. J. Tucker was afforded an opportunity for hearing. As it appeared after hearing held that the shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Northern District of Georgia, charging the above shipments and alleging the product so shipped to be misbranded in that each of the bottles of drugs embraced therein contained morphine and alcohol and that the label thereon failed to bear either a statement of the quantity or proportion of morphine or alcohol contained therein or that any morphine or alcohol was contained therein.

On October 10, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 2, 1910.

# THE HISTORY OF THE UNITED STATES

## CHAPTER I. THE DISCOVERY OF AMERICA

THE DISCOVERY OF AMERICA, BY CHRISTOPHER COLUMBUS, IN 1492, WAS ONE OF THE MOST IMPORTANT EVENTS IN THE HISTORY OF THE WORLD.

IT OPENED UP A NEW WORLD OF OPPORTUNITY AND ADVENTURE, AND LED TO THE DEVELOPMENT OF THE AMERICAN CONTINENT.

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Issued December 17, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY

## NOTICE OF JUDGMENT NO. 694, FOOD AND DRUGS ACT.

### MISBRANDING OF DRUG PRODUCTS (ALLEGED DRUG-HABIT CURE).

On or about February 11 and June 5, 1909, W. A. Starnes, Atlanta, Ga., shipped from the State of Georgia to the District of Columbia 2 consignments of a drug product, consisting of an alleged drug-habit cure, the former shipment containing 12 bottles numbered consecutively 1 to 12, the bottle numbered 1 being labeled: "Inman Park Pharmacy, J. F. Kern, Prop., 589 Kirkwood Ave., Atlanta, Ga. 2 or three teaspoonfuls with water 3 or 4 times a day each bottle in succession. Shake bottle before use," no label except the respective numbers appearing on the remaining 11 bottles; the latter shipment containing 10 bottles numbered consecutively 1 to 10, the bottle numbered 1 being labeled: "Open all night. Elkins-Watson Drug Co., Cor. Marietta & Peachtree Sts., Atlanta, Georgia. 2 or 3 teaspoonfuls 3 or 4 times a day. Take each bottle in succession. Shake bottle. Merck's chemicals and Squibb's preparation used in dispensing," the remaining 9 bottles bearing no label except the respective numbers. Samples from these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the products were misbranded within the meaning of the Food and Drugs Act of June 30, 1906, said W. A. Starnes was afforded an opportunity for hearing. As it appeared after hearing held that the shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

On February 5, 1910, a criminal information was filed in the District Court of the United States for the Northern District of Georgia against the said W. A. Starnes, charging the above shipments and alleging that the products so shipped were misbranded in that a preparation consisting in part of morphine was present in said drug products, and the labels upon the containers thereof failed to bear either a statement of the quantity or proportion of morphine

contained therein, or a statement that any morphine was contained therein.

On September 30, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *November 2, 1910.*



# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 695, FOOD AND DRUGS ACT.

### ADULTERATION OF CANNED PINEAPPLES.

On or about August 5, 1910, there were shipped from the City of New York, State of New York, to the City of Philadelphia, State of Pennsylvania, 19 cases containing in all 144 cans of pineapple, each of which cases was labeled: " $\frac{1}{2}$  dozen No. 8 Hawaiian chief standard crushed pineapple. Pearl City Fruit Co., Ltd., Terr. of Hawaii," and each of which cans contained in said cases was labeled "Hawaiian chief Kamehameka crushed pineapple in juice. Standard. Packed by Pearl City Fruit Co., Ltd., Terr. of Hawaii. Guaranteed by the Pearl City Fruit Co., Ltd., under the Food and Drugs Act, June 30, 1906; serial No. 13399. Hawaiian Chief crushed pineapple in juice."

Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the product was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania.

In due course a libel was filed against the said 19 cases of pineapples in the District Court of the United States for said district, charging the above shipment, and alleging that the product so shipped was adulterated within the meaning of the act in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

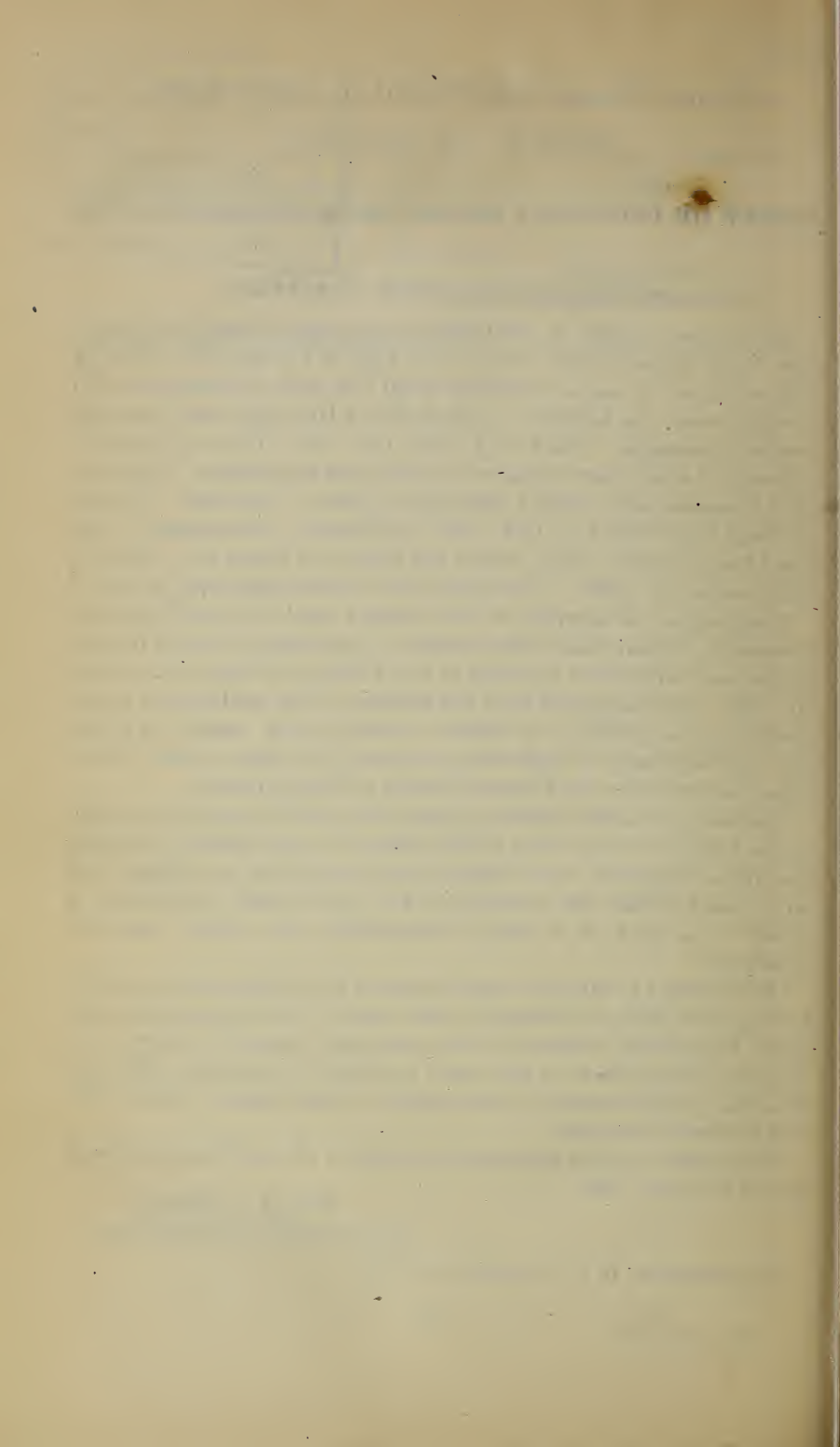
On October 14, 1910, the cause came on for hearing and no answer having been filed or claimant to the product having appeared, the court being fully informed in the premises, issued its decree condemning the product for the cause set forth in the above libel, and ordering its destruction by the marshal of said district, which order was forthwith executed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

WILLIS L. MOORE,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 2, 1910.

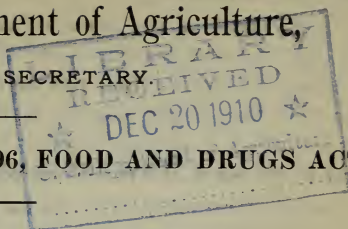
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Issued December 17, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.



## NOTICE OF JUDGMENT NO. 696, FOOD AND DRUGS ACT.

### ADULTERATION OF "FROU FROU" BISCUITS.

On or about June 18 and August 12, 1910, there were shipped from Jersey City, in the State of New Jersey, to Philadelphia, in the State of Pennsylvania, 35 cases of a food product labeled "Biscuit Fabriek de lindeboom American branch wettig gedeponeerde fabrieksmerk 10 lbs Frou Frou New York U. S. A. Packed in Holland let ophet fabrieksmerk wettig gedeponeerde fabrieksmerk gedeponeerde Biscuit fabriek de lindeboom export manufactured in Holland," and on or about July 8, 1910, there were shipped from the city of Holland, State of Michigan, to the city of Philadelphia, in the State of Pennsylvania, 50 cases of a food product labeled "Fabriek Depauw Ged. Fabrieksmerk 10 lbs. Frou-Frou. Gebr. V. Doesburg Pauwstraat 12 Utrecht Banket & Biscuit Fabriek De Pauw Gebr. Van Doesburg Made in Holland Banket Biscuit Fabriek De Pauw Importers for United States of America & Canada Holland Rusk Company Holland Mich New York U. S. A. Banket & Biscuit Fabriek De Pauw Gebr V. Doesburg Pauwstraat 12 Utrecht Artificially Colored." Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report thereon that the shipments were liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania.

In due course libels were filed against the said 85 cases of "Frou Frou Biscuits," charging the above shipments and alleging that the product so shipped was adulterated, in that it contained an added poisonous and deleterious ingredient, to wit, boric acid or compounds thereof, which rendered such article injurious to health, and praying seizure, condemnation, and forfeiture of said product. Thereupon the Holland Rusk Co., of Holland, Mich., and Ira S. Fallin, of Philadelphia, Pa., entered their appearance and filed a joint answer to the libels against the above-mentioned 10 and 50 cases of the product, claiming ownership thereof and denying any knowledge as to the

adulteration of the product as charged in said libels, and praying that said respondents be allowed to reship said 60 cases to Holland upon payment of the costs of these proceedings and the execution and delivery of a good and sufficient bond, conditioned that the said 60 cases of biscuits shall not be sold, shipped, or otherwise disposed of in violation of law, and H. Kellog & Sons, also of said city of Philadelphia, filed a similar answer, claiming the ownership of the shipment of 25 cases of Frou Frou Biscuits above-mentioned and making the same averments and prayer as in the answer above set forth. The said three causes coming on for hearing, the court, being fully informed in the premises, issued its decrees in said cases, finding the said cases of Frou Frou biscuits to be adulterated as set forth in said libels, and condemning and forfeiting the same to the use of the United States, with a proviso, however, that said product should be delivered to the respective claimants upon the payment of costs and execution and delivery by said claimants of good and sufficient bonds, conditioned that said product should not be sold, shipped, or otherwise disposed of contrary to law. These costs having been paid and bonds furnished in conformity with the terms of these decrees, the above-mentioned 85 cases of Frou Frou biscuits were forthwith released to the respective claimants.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *November 2, 1910.*

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT No. 697, FOOD AND DRUGS ACT.

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### ALLEGED MISBRANDING OF DRUG PRODUCTS (TINCTURE CADOMENE CONCENTRATED COMPOUND, COMPOUND FLUID BALMWORT AND COMPOUND ESSENCE OF CARDIOL).

During the months of January, March, and April, 1909, there were shipped from Detroit, Mich., to Dayton, Ohio, 8 packages or casks of a drug product labeled "Prescription Products Co., Dayton, Ohio, P. D. Co.," four of which bore, in addition, "S 59884," one "S 56527," one "S 59736," and two "S 61015," the first mentioned 5 packages containing a product marketed as "Tincture Cadomene Concentrated Compound," the package next mentioned containing a product marketed as "Compound Fluid Balmwort," and the two packages last above-mentioned containing a product marketed as "Compound Essence of Cardiol." Analyses of samples of these products, made by the Bureau of Chemistry, United States Department of Agriculture, showed them to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and as it appeared from the findings of the analyst and report made that the products so shipped were liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of Ohio.

In due course a libel was filed in the District Court of the United States for said district, charging the above shipments and alleging that the products so shipped were misbranded, in that the first four above-mentioned packages contained 47.5 per cent of alcohol by volume; in that the fifth contained 45.9 per cent of alcohol by volume; in that the sixth contained 15.88 per cent of alcohol by volume; in that the seventh and eighth each contained 16.88 per cent of alcohol by volume; and in that each and every one of said packages failed to bear a statement on the label of the quantity and proportion of any alcohol or any derivative or preparation of alcohol contained therein, and praying seizure, condemnation, and forfeiture of the products. Thereupon the Prescription Products Company, a copartnership, of Dayton, Ohio, intervened and filed its claim to the above-mentioned eight packages of drugs, averring that said company

was in possession of said packages of drugs at the time of seizure thereof, and was the true and bona fide owner of said packages of drugs, and subsequently, by its attorney, demurred to the above libel, setting up the following four causes of demurrer:

1. That the court was without jurisdiction, inasmuch as it appeared from said libel that no seizure of the goods therein mentioned had been made prior to the filing of said libel.

2. That said libel was not properly verified by any person having knowledge of the facts.

3. That it did not appear in and from the averments contained in said libel that the goods therein mentioned were still subject to the provisions of the act of Congress of June 30, 1906, in said libel invoked.

4. That the said libellant had not in and by its said libel made or stated such a case as entitled the said libellant to the relief therein prayed, inasmuch as the said act of June 30, 1906, has no application to shipments of the character of the shipment set forth in said libel.

After argument by counsel the court sustained the demurrer. The opinion of the court follows:

HOLLISTER, J.:

The libellant represents that certain packages and casks of drugs are labeled marked and branded on the outside in a certain way. The marking on each is described, the descriptions differing only in the designated numbers of each, and it may suffice to quote the marking and branding of one.

"Prescription Products Company, Dayton, Ohio, S. 59884, P. D. Co. No. (1):"

The casks or packages are represented as being within and on the premises of the Prescription Products Company in Dayton, Ohio, and owned by or in the possession of that Company for the purpose of being used and manufactured, sold and consumed as drugs.

It is represented that these packages are misbranded within the meaning of Section 8, Paragraph 2, under the title "Drugs," of the Act of Congress of June 30, 1906, 34 Stat. at 768, and are liable to condemnation for the reason that each package and cask fails to bear a statement on the label of the quantity and proportion of any alcohol or any derivatives or preparation of alcohol contained therein, and that each of the packages and casks contain a certain percentage of alcohol as set forth in the libel.

It is alleged that they have been and were transported from Detroit to Dayton, and are now in the original unbroken packages as the same were transported, and the libellant prays that they be proceeded against and seized for condemnation in accordance with the Act of Congress, and according to the course of this court in cases of admiralty and maritime jurisdiction, so far as it is applicable, and that they may be adjudged and decreed misbranded and be condemned as provided by law.

The Act of June 30, 1906, provides, sec. 10—

"That any article of food, drug, or liquor that is adulterated or misbranded within the meaning of this Act, and is being transported from one State, Territory, District, or insular possession to another for sale, or having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or the Territories, or insular possessions of the United States, or if it be imported from a foreign country for sale, or if it is intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United

States within the district where the same is found, and seized for confiscation by a process of libel for condemnation. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character, within the meaning of this Act, the same shall be disposed of by destruction or sale, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any jurisdiction contrary to the provisions of this Act or the laws of that jurisdiction; *Provided, however,* That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of any State, Territory, District or insular possession, the court may by order direct that such articles be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty except that either party may demand trial by jury or any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States."

The claimant demurs on four grounds which will be taken up and disposed of *seriatim*.

1. "The court is without jurisdiction inasmuch as it appears from said libel that no seizure of the goods therein mentioned had been made prior to the filing of said libel."

It has been the practice in this jurisdiction for seizures of goods for alleged infringements of the Food Laws to be made on warrant issued after the libel. This is probably the universal practice in such cases.

The question so far as it relates to the Food Act has not been passed upon by any of the courts, so far as this court is aware. But it is not a new question in admiralty or in the many cases in which seizure and forfeiture of goods have been sought under navigation revenue, and other laws of the United States.

Upon first impression, and having regard to the punctuation of the Act, it would seem that the article is to be seized for confiscation by a process of libel for condemnation in any district court within the district where the same is found, the basis for the seizure being the libel on which the warrant of seizure is issued. If there were no other light to be had upon the subject, the conclusion might easily be reached that it would be sufficient for a warrant of arrest to follow the libel, the filing of which gives the court jurisdiction. But it has been the rule in proceedings *in rem* ever since the declaration of Mr. Justice Story in the *Brig Ann*, 9 Cranch, 288,—

"that before judicial cognizance can attach upon a forfeiture *in rem*, under the statute, there must be a seizure; for until seizure, it is impossible to ascertain what is the competent *forum*."

In that case the non-intercourse and non-importation Act directed against Great Britain and France March 1, 1809, 2 Stat. at 528, was involved, Section 5 provided—

"That whenever any article or articles, the importation of which is prohibited, by this Act, shall, after the twentieth day of May, be imported into the United States, \* \* \* contrary to the true intent and meaning of this act, or shall, after the said twentieth of May, be put on board of any ship or vessel, boat, raft or carriage, belonging to the owner of such prohibited articles, shall be forfeited; and the owner thereof shall moreover forfeit and pay treble the value of such articles."

Section 8 gave authority to every collector and other enumerated officer to seize the goods and to—

"keep the same in custody until it shall have been ascertained whether the same have been forfeited or not."

Section 18 provides—

"That all penalties and forfeitures arising under or incurred by virtue of this act, may be sued for, prosecuted and recovered, with costs of suit, by action of debt, in the name of the United States of America, or by indictment or information in any court having competent jurisdiction to try the same."

Mr. Justice Story said what he did after a consideration, not of the particular statute under which the seizure was made or attempted to be made in that case, but from a

consideration of the Judiciary Act of 24th of September, 1789, ch. 20, sec. 9, which conferred jurisdiction upon the District Court, and which says those courts are vested with—

“exclusive original cognizance of all civil causes of admiralty and maritime jurisdiction including all seizures under laws of impost, navigation or trade of the United States, where the seizures are made on waters navigable from the sea by vessels of ten or more tons burden, within their respective districts, as well as upon the high seas.”

In determining the question of the jurisdiction of the Court, Mr. Justice Story said—

“It seems manifest \* \* \* that the jurisdiction as to revenue forfeitures, was intended to be given to the court of the district, not where the offence was committed, but where the seizure was made. And this with good reason. In order to institute and perfect proceedings *in rem*, it is necessary that the thing should be actually or constructively within the reach of the court. It is actually within its possession, when it is submitted to the process of the court; it is constructively so, when, by a seizure, it is held, to ascertain and enforce a right or forfeiture which can alone be decided by a judicial decree *in rem*. If the place of committing the offence has fixed the judicial forum where it was to be tried, the law would have been, in numerous cases, evaded; for, by a removal of the thing from such place, the court could have no power to enforce its decree. The legislature therefore, wisely determined that the place of seizure should decide as to the proper and competent tribunal.”

It seems clear that the “statute” to which that great Judge referred was the Judiciary Act, the terms of which he was considering. This court is not alone in that view. The case, *Silver Spring No. 12858 Fed. Cases*, is reported to have been brought under the Act of July 29, 1813, ch. 35, Sec. 5-7. That Act (3 Stat. at Large, 49-50-51-52) seems to have been limited in its operation to February 17, 1916, while the libel charges fraud and deceit of obtaining the bounty to have been perpetrated in the summer of 1853, but it must be assumed to have been in force when it was sought to condemn the fish, etc., in the year 1854. It will be noticed that the Act does not provide for a seizure, although it does provide for a forfeiture.

The claim of counsel for the defendant in that case based on the Judiciary Act, and Mr. Justice Story’s decision that the action must fail because no seizure of the property was alleged in the libel, was sustained by Judge Sprague of the District Court of Massachusetts, who, speaking of the decision in the *Brig Ann*, said

“The decision in that case did not depend upon the construction of the particular statute under which the property thus became forfeited, but upon the construction of the Act of 24th of September 1789 (“The judiciary Act”) which is equally applicable to the present proceeding and, therefore, the rule laid down by the Supreme Court in that case ‘that before judicial cognizance can attach upon a forfeiture *in rem*, there must be a seizure,’ must govern the present case.”

The question was before Judge Drummond in the *May*, 9330 Fed. Cases, and while he was evidently not satisfied with the reasons for the rule, yet he felt compelled, upon a consideration of the Judiciary Act, the Navigation Act of 1871 and the decision in the *Brig Ann*, to rule that an actual seizure of the *res* prior to the filing of the libel is essential to the jurisdiction of the Federal Courts, and that the libel should state the place of seizure. The learned Judge also states the fact to be that the twenty-second rule in Admiralty was adopted by the Supreme Court in conformity with the view of Mr. Justice Story in the *Brig Ann*.

The Judiciary Act as it now reads, 1 Comp. Stat. 1901, 457, gives jurisdiction to the District Courts.

“Eighth. Of all civil causes of admiralty and maritime jurisdiction; saving to suitors in all cases the right of a common-law remedy where the common-law is competent to give it; and of all seizures on land and on waters not within admiralty and maritime jurisdiction.”

If this section is construed as the Judiciary Act was construed in the *Brig Ann*, and it would seem it ought to be, the conclusion is inevitable that jurisdiction is based upon the seizure, and for the same reasons as were given in that case as well as those to which reference will be made.

In every one of the cases arising under the laws of the United States providing for seizure, forfeiture, confiscation, and condemnation, whether they are revenue laws or navigation laws or laws providing for confiscation, of certain property in times of war or rebellion, the rule is universally declared whenever the question was raised, that the matter of seizure is jurisdictional and that the libel follows, through which it may be determined whether the seizure was legal or not.

In *Gelston v. Hoyt*, 3 Wheat. \*247, the Act of February 18, 1793, 1 St. at Large 305, was under consideration Sec. 27 of which provided that an officer of the revenue might go on board a ship within or without his district, and if it should appear that any breach of the laws of the United States had been committed whereby the ship or goods on board might be liable to forfeiture, to make seizure of the same.

Mr. Justice Story at \*318, says with respect to proceedings *in rem*—

“where the property is seized and libelled, as forfeited to the government, the sole object of the suit is to ascertain whether the seizure be rightful, and the forfeiture incurred or not.”

The Food and Drugs Act, sections 3, 4, and 5, make provisions for an examination of specimens of Food and Drugs offered for sale in unbroken packages in any state other than that in which they may have been manufactured or produced, and if any of the provisions of the act have been violated, the Secretary of Agriculture shall certify the facts to the proper District Attorney with a copy of the results of analysis or examination, and it is made the duty of each District Attorney—

“to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States without delay for the enforcement of the penalties.”

What are the penalties? The whole Act has in view seizure, forfeiture, condemnation, and confiscation, and in that respect does not differ in the slightest from all other Acts the court has examined providing for seizure, forfeiture, condemnation, and confiscation under various admiralty and revenue and other laws of the United States.

Among the cases which may be examined with profit are: *United States v. 92 Barrels of Rectified Spirits*, 8 Blatch, 480; *U. S. v. One Raft of Timber*, 13 Fed., 796; *The Lewellen*, 4 Biss. 156; *Hatch v. Steamboat Boston*, 3 Fed., 807; *U. S. v. Winchester*, 99 U. S., 372, 376; *Clifton v. United States*, 4 Howard, 242; *Coffey v. U. S.* 116 U. S. 427, 435; *The Washington*, 17221 Fed. Cases; *The Josefa Segunda*, 10 Wheaton, 312; *Fideleter v. U. S.* 1 Sawyer, 153; *Dobbins Distillery v. U. S.* 96 U. S. 395, 396; *The Bolina*, 1608 Fed. Cases; *The Idaho*, 29 Fed. 187, 190; *The Rio Grande*, 23 Wallace, 458; *Miller v. U. S.*, 11 Wall. 268, 294, 295, 296; *Windsor v. McVeigh*, 93 U. S. 274, 278, et. seq. In *re Moore* 66 Fed. 950.

In fact in some of the cases in which the same rule was adopted there was no provision for forfeiture or seizure of the property. *The Lewellen*, 4 Biss., 156; *Hatch v. Steamboat Boston*, 3 Fed., 807. Such was the *Bolina*, 1608 Fed. Cases.

Full authority is found in that case for a seizure by the District Attorney, or under his authority, even if the statute had been silent on the subject, and in the opinion Mr. Justice Story said—

“But if there had been no mode of prosecution provided, I should have had no doubt that an information would have lain upon common-law principles.”

Under the Food and Drugs Act the steps provided are the same and just as drastic in their results as in any of the other cases. In the case under the consideration “The sole object of the suit is to ascertain whether the seizure be rightful and the forfeiture incurred or not,” just as much as in all of the other cases in which the statute expressly

gives some officer the power to seize the offending article. It would serve to no useful purpose to go at length into the many cases cited by counsel and found by the court, in which revenue laws, navigation laws or laws for providing for confiscation in times of war and rebellion were under consideration. They all announce the same rule, that when it is sought to declare a forfeiture of goods for a violation of some law of the United States, and the proceeding is strictly *in rem*, the seizure must be made prior to the filing of the libel, and the libel must allege the fact.

This conclusion is not to be affected by questions of punctuation. If the comma after the word "found" is omitted, the language will be found to contain all the elements found in other statutes considered in the cases referred to. If the comma is transposed and put after the word "seized" then there could be no doubt that the intention of the statute was that the same proceeding should be had as in Admiralty in cases providing for seizure. Punctuation may not be regarded in construing a statute. *Cushing v. Worrick*, 75 Mass. 382; *Martin v. Gleason*, 139 Mass. 183. "But for the punctuation as it stands," says Judge Day in *Hamilton v. Steamboat Hamilton*, 16 U. S. 428, "there could be little doubt but that this was the meaning of the legislature. Courts, will, however, in the construction of statutes, for the purpose of arriving at the real meaning and intention of the law makers, disregard the punctuation, or repunctuate, if need be, to render the true meaning of the statute."

It cannot be that when without the comma, or with the comma after the word "seized", the Act would be in its operation in conformity with all similar legislation, that Congress by putting the comma after the word "found" intended to change the whole course of established procedure.

It is interesting to notice that the Act of March 3, 1807, ch. 77 Sec. 4, considered in the *Josefa Segunda*, 10 Wheaton, 312, the language with respect to the property to be confiscated was;—

"shall be liable to be seized, prosecuted, and condemned \* \* \* \* in the District where the said ship or vessel *may be found or seized*. \* \* \* "

There are good reasons why in such cases as this the seizure should precede the libel. It will be observed that the offence may be committed while the article "is being transported \* \* \* or having been transported remains unloaded, unsold, or in original unbroken packages." Let a case be assumed in which the proper authorities have information that goods misbranded in violation of the Act are on the cars in the Northern District of Ohio en route to Dayton in the Southern District. If the District Attorney in the Northern District be apprised by the Secretary of Agriculture after an examination, that certain goods are misbranded, filed his libel within his jurisdiction, and by it seeks seizure of the article, it is very apparent that long before the libel may be prepared and the warrant of arrest issued and served, the goods may be without the jurisdiction of the court and the libel a futility. But if on the other hand, the District Attorney in the Northern District of Ohio who causes a warrant of seizure upon information lodged in the proper court, to issue, and thereupon the goods were seized in his district, can it be doubted that the court in the jurisdiction in which the seizure was made would acquire jurisdiction of the case? Again let it be assumed that the goods have arrived in Dayton and remained in the unbroken packages, and being misbranded are forfeited under the law. The District Attorney for the Southern District of Ohio filed his libel and a writ of seizure is issued. Let it be assumed that before his libel is prepared and filed and the writ issued and served, the goods have been sold by the Dayton consignee and transported to a *bona fide* purchaser in the Northern District of Ohio or in some other State, of what avail would the libel be then? The court could certainly not proceed to condemn and forfeit the misbranded article.

It is an established rule that a proceeding *in rem* is notice to the world. *Mankin v. Chandler*, 2 Brock. 125, 127, Marshall, C. J. If the proceeding is not instituted until

the libel is filed then a *bona fide* purchaser has no notice actual or constructive. It is easy to see how upon goods actually forfeited by a commission of the offence a lien to a *bona fide* purchaser might be put, or a sale made, which would render a libel seeking a forfeiture a vain thing.

Under section 68 of the Internal Revenue Act, June 30, 1864, 13 Stat. at 248, providing for the forfeiture of liquors and spirits, and the seizure of the same for violation of internal revenue laws, it was held that a factor's lien was protected where the *bona fides* are unquestioned, if the lien was subsisting at the date of the seizure. *U. S. v. 396 Barrels of Distilled Spirits*, 16504 Fed. Cases.

The purposes of the Food and Drugs Act and of seizures, condemnations, and forfeitures under it are the same as the purposes of the other Acts of the Government seeking the enforcement of laws of the United States by seizure, condemnation, and forfeiture of the property and goods which by the laws are made contraband, and there seems to be no reason why the proceedings in this case should differ from the proceedings in cases of similar purport and intention.

The demurrer on the first ground will be sustained.

2—"Said libel is not properly verified by any person having knowledge of the facts."

The claim is, that the proceedings of seizure and forfeiture are criminal in their nature, and that the warrant should be of the character contemplated by the Fourth Amendment to the constitution, which reads:—"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." It is claimed that the probable cause must be supported by oath or affirmation of some one conversant with the facts which must be submitted to the magistrate issuing the warrant so that he may determine whether probable cause exists.

It was the opinion of Chief Justice Marshall, that a proceeding in forfeiture of a vessel is a civil cause. *The Vengeance*, 3 Dallas, \*297, he says at \*301—

"We are unanimously of opinion that it is a civil cause. It is a process of the nature of a libel *in rem* and does not in any degree touch the person of the offender."

The same great authority expressed the same view in the *Schooner Sally*, 2 Cranch, \*406; *The Samuel*, 1 Wheaton, \*10, and in the *Betsy and Charlotte*, 4 Cranch, 442.

It is said by Mr. Justice Clifford in *Dobbins Distillery v. U. S.* 96 U. S. 395, 399, "cases arise undoubtedly, where the judgment of forfeiture necessarily carries with it, and as part of the sentence, a conviction and judgment against the person for the crime committed; and in that state of the pleadings it is clear that the proceeding is one of a criminal character; but where the information, as in this case, does not involve the personal conviction of the wrong-doer for the offence charged, the remedy of forfeiture claimed is plainly one of a civil nature; as the conviction of the wrong-doer must be obtained, if at all, in another and wholly independent proceeding."

This would seem to settle the question, but there is a long list of cases beginning with *Boyd v. U. S.*, 116 U. S. 616, 634, which hold that proceedings in seizure and forfeiture are so far criminal as to come within the meaning of the Fourth Amendment. *Lees v. U. S.* 150 U. S. 480; *Stone v. U. S.* 167 U. S. 178, 187; *State v. Chicago*, 37 Fed., 497, 500; *State v. Day Land, etc.*, 41 Fed. 228, 230; *U. S. v. Two Barrels of Whiskey*, 96 Fed., 116 U. S. 434; *Clifton v. U. S.* 4 Howard, 242, 250.

The question in *Boyd v. United States*, was whether or not in an action *in rem* to establish a forfeiture of goods alleged to have been fraudulently imported without paying duties, an order of court based on the fifth section of the Act authorizing the proceeding which required the claimants of the goods to produce a certain invoice in court for the inspection of the Government Attorney and to be offered in evidence by him, was constitutional or not. Section five was held to be unconstitutional.

Mr. Justice Bradley at page 634 says, "as, therefore, suits for penalties and forfeitures incurred by the commission of offences against the law, are of this quasi-criminal nature, we think that they are within the reason of criminal proceedings for all the purposes of the Fourth Amendment of the Constitution, and of that portion of the Fifth Amendment which declares that no person shall be compelled in any criminal case to be a witness against himself; and we are further of opinion that a compulsory production of the private books and papers of the owner of goods sought to be forfeited in such a suit is compelling him to be a witness against himself, within the meaning of the Fifth Amendment to the Constitution, and is the equivalent of a search and seizure—and an unreasonable search and seizure—within the meaning of the Fourth Amendment.

The propriety of these views has not been questioned, so far as this court after much research has been able to ascertain, and they are summed up by Mr. Justice Harlan in *Hepner v. U. S.* 213 U. S., 103, 111, in this language:

"In the latter case" (*Boyd v. U. S.*) "it was adjudged that penalties and forfeitures incurred by the conviction of offenders against the law are of such a quasi-criminal nature that they come within the reason of criminal proceedings for the purpose of the Fourth Amendment of the Constitution and of that part of the Fifth Amendment declaring that no person shall be compelled in any criminal case to be a witness against himself."

Some light is thrown upon the subject by what is said in *Smith v. Maryland*, 18 Howard, 71, 76. In that case the question was whether a law of Maryland, enacted for the protection of oysters in waters covering lands in the state afforded valid cause for seizing a licensed and enrolled vessel of the United States and interrupting its voyage, and pronouncing for its forfeiture. As bearing upon the subject under discussion Mr. Justice Curtis said: "That objection that the law in question contains no provision for an oath on which to found the warrant of arrest of the vessel, cannot be here maintained. So far as it rests on the constitution of the State, the objection is not examinable here, under the twenty-fifth section of the Judiciary Act. If rested on that clause in the Constitution of the United States which prohibits the issuing of a warrant but on probable cause supported by oath, the answer is, that this restrains the issue of warrants only under the laws of the United States, and has no application to State process." See also what is said by Mr. Justice Curtis in *Murray's Lessee v. Hoboken, etc., Co.*, 18 Howard, 272, bottom page 285, and see the opinion of Attorney General Nelson (1843).

"The protection guaranteed is not against all seizures, it is against unreasonable seizures, can be made only upon reasonable cause; and, when authorized, the evidence of its reasonableness is to be presented by oath or affirmation." 4 Op. Atty. Gen. 213.

The question in every case of seizure is, whether the seizure was justified or not, and the proceeding to ascertain that fact is a civil proceeding, but a seizure of goods is in effect a proceeding against the owner. *Boyd v. U. S.* 116 U. S. 637; *The City of Norwich*, 118 U. S. 468, 504—and hence criminal in nature, and the matter is brought within the meaning and operation of the Fourth Amendment under which it is a no less serious offence to seize goods than it is to seize the person without a warrant under oath founded upon probable cause.

Power is given Congress by the Constitution to regulate commerce and to pass all laws necessary and proper to carry that power into effect. The Food and Drugs Act is sanctioned by that power. But in carrying out that power regard must be had to other provisions of the Constitution, and if a seizure of goods is necessary it can only be made in the way prescribed by the Fourth Amendment. See remarks of Judge Drummond in *Mason v. Robbins*, 9252 Fed. Cases.

In all criminal cases in which a warrant is issued for arrest, probable cause must be shown by the affidavit of some one who has knowledge of the facts. This may be

regarded as settled. The rule is laid down by Justice Bradley on the Circuit, in the Rule of Court, No. 12126 Fed. Cases. He says:—

“No warrant shall be issued by any commissioner of this court for the seizure or arrest of any person charged with a crime or offence against the laws of the United States upon mere belief or suspicion of the person making such charge; but only upon probable cause, supported by oath or affirmation of such person, in which shall be stated the facts within his own knowledge constituting the grounds for such belief or suspicion.”

See also *United States v. Tureaud*, 20 Fed., 621, 623; *U. S. v. Polite*, 35 Fed., 59; *Erwin v. U. S.* 37 Fed., 470, 489; *In re Gourdin* 45 Fed., 842, 843; *In re Dana*, 68 Fed., 895; *Johnson v. U. S.* 87 Fed., 187.

Historically, arbitrary seizure is one of the great grievances against despotic power. In these days the reasons for the protection of persons and property, and the fact that they are protected, are almost forgotten in the paucity of attacks upon them, yet, how that protection was wrung from reluctant tyranny must always be borne in mind and no act can be sanctioned which would tend to weaken the great safe-guard of our liberties and permit at sometime encroachments thereon which might seem justified by authority of law or by judicial interpretation. *Boyd v. United States*, 116 U. S. 616, 635. In many cases of seizure discussed in this opinion the fact does not appear whether a warrant was issued prior to the seizure, nor was the form of the warrant disclosed, but in the opinion of this court, considering the seriousness of governmental seizures of the private property of a citizen and the requirements of the Fourth Amendment, it would seem that the affidavit preceding a warrant in proceedings in their nature criminal for the seizure of goods should be made by some one cognizant of the facts, then upon the issuing of the warrant and the seizure of the goods, the District Attorney may proceed “to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States without delay for the enforcement of the penalties,” as provided by the Act.

It is argued by the District Attorney that “even the Constitution must be reasonably construed, and it was never intended or decided that the court should examine a case in advance of issuing process for seizure for condemnation, and should afterwards have to try the case on the same evidence to determine whether the case was actually made out.”

In answer to this it may be said that the proceedings resulting in the issuing of the warrant are altogether *ex parte*. There is no trial. There is an affidavit presented by some one who claims to be conversant with the facts, setting forth facts which would show probable cause.

The demurrer on its second ground is well taken.

3. “It does not appear in and from the averments contained in said libel that the goods therein mentioned are still subject to the provisions of the Act of Congress of June 30, 1906, in said libel invoked.”

From sections two and ten, it may be gathered that the offence charged is the shipping of the contraband article from one state into another, or, having received it, to deliver or offer to deliver the unbroken packages for pay or otherwise, and that a seizure and forfeiture may be had, first, when the article is being transported from one state to another for sale, and, second, having been so transported remains unloaded, unsold, or in the original unbroken packages.

It may well be that the Prescription Products Company was the owner of these unbroken packages or had them in its possession for the purpose of being used, manufactured, sold, and consumed as drugs without the packages having been transported for sale or received for sale. Of course if the original packages were to be used and manufactured Congress had no power to legislate respecting them, and if they were to be sold after manufacture then the original packages must necessarily have been broken, and then the law would have to look to the labels on the original packages

into which the manufactured product had been put, and only then if it were shipped from Dayton into some other state.

If the words "used and manufactured" are rejected as surplusage and the illegal conduct is restrained to the words "sold and consumed as drugs," it may be said that the owner or possessor of these original packages could do as he pleases with them if they were not transported into the state to be sold in the original packages. They may have been, as they probably were, transported to be manufactured as in *United States v. Sixty-five Casks Liquid Extracts*, 170 Fed., 449, 456, and then when the manufactured product is sold it must bear the proper label, if labeled at all. These casks may have been transported for purposes of experiment and, not being used for such purposes, were sold by the person receiving them to the present owner or possessor. So far as it appears by the label, years may have elapsed since the transportation for some other purpose than for sale in the original packages, and it may be that during all that time state taxes have been paid by the owner or possessor. Indeed the packages may have been in the ownership and possession of the claimant before the Food Act was passed, and if so, could not come within its operation, Art. 1, Sec. 9, clause 3, Constitution of the United States. The court is of opinion that no forfeiture can be declared under the libel as drawn, and the third ground of demurrer will be sustained.

4—"Said libellant has not in and by its said libel made or stated such a case as entitles the said libellant to the relief therein prayed, inasmuch as the said Act of June 30, 1906, has no application to shipments of the character of the said shipments, set forth in said libel."

Under the provisions of Section 8, the term "misbranded" applies to drugs, "the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular," or (sub-second) "if the package fail to bear a statement on the label of the quantity or proportion of any alcohol \* \* \*."

The legend, "Prescription Products Company, Dayton, Ohio, S. 59884, P. D. Co. No. (1)" is not intelligible. It may be a shipping direction or it may have been put on the packages by the claimant for purely innocent purposes of its own. As it reads it cannot be said to be a statement, etc., of the article in the casks or of the ingredients and substances contained in them. It may be that apt words by way of inducement or innuendo would bring the legend within the language of the law and show that it was a statement, etc., false or misleading on some particular. It may be that when interpreted it would show a full compliance with the law.

The law does not require any label except by inference, and by no means necessary inference. A man cannot be convicted of a criminal offence or his property forfeited by inference. The effect of the provision of the law is that no original packages of drugs shall be introduced into one state from another for purposes of sale in the original packages the label of which is misleading or false. If there is no label there is no misrepresentation. If the label is unintelligible it is no description of the contents of the package and can deceive nobody.

But it would be a too great refinement of language to say that these marks are not labels. The casks certainly are labeled as described. It may be that the marks when interpreted would show the required content of alcohol, but the label should make that fact intelligible. Since the casks are labeled, the required information should appear clearly on the label, whether it is a separate paper pasted on the cask or branded upon it.

Inasmuch, however, as the libel does not charge that the packages were transported into the state for sale, this ground also for the demurrer must be sustained.

Order accordingly.

On August 15, 1910, the court issued its order dismissing the cause and ordering the marshal to release the property seized, which order was forthwith executed.

Decisions of United States Circuit and District Courts, and United States Circuit Courts of Appeals, adverse to the Government, will not be considered final until acquiescence shall have been published.

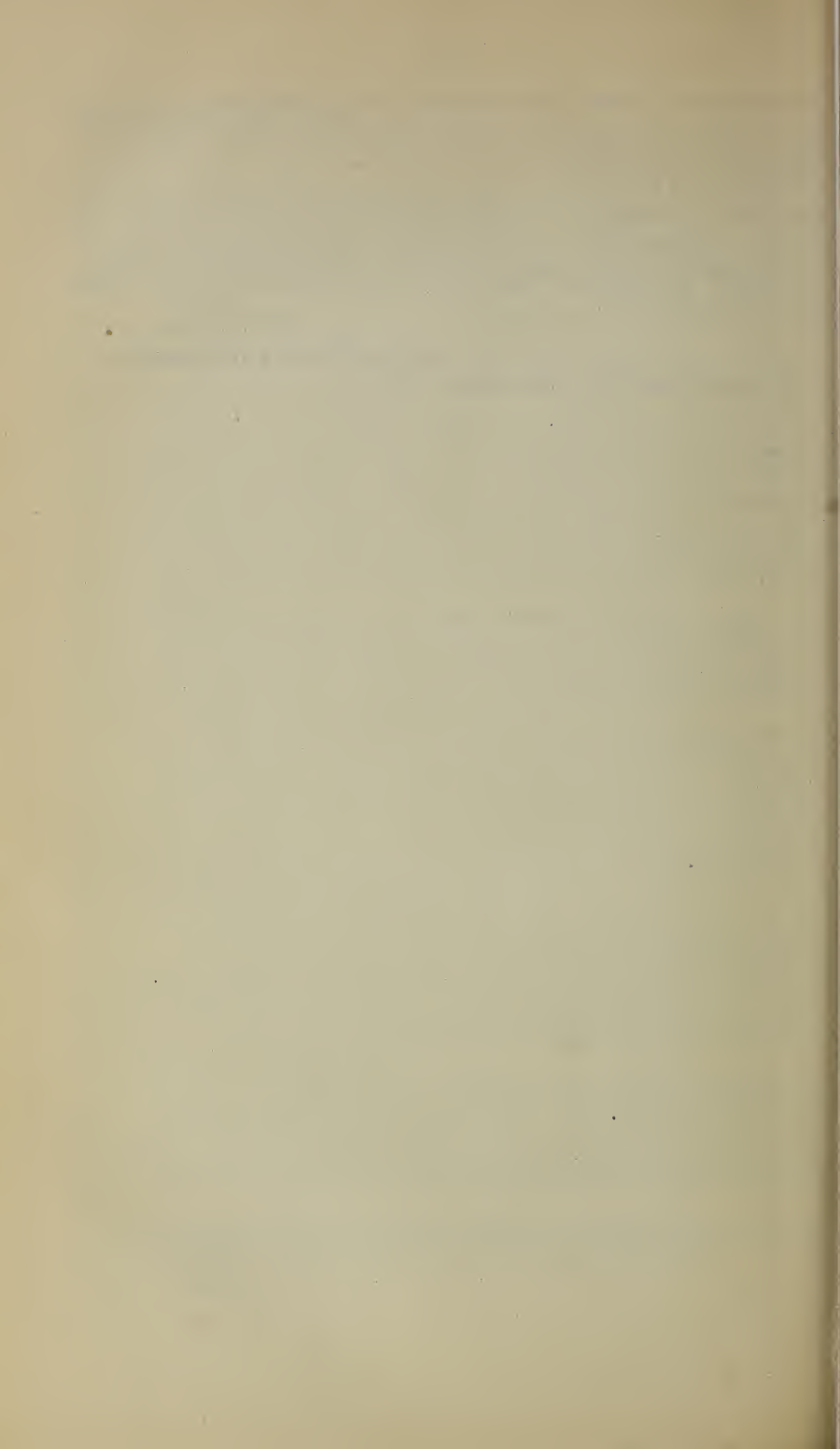
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS, •

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *November 2, 1910.*





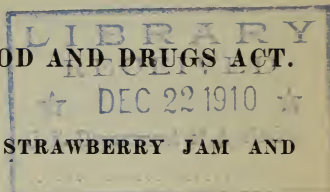
Issued December 17, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 698, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF STRAWBERRY JAM AND QUINCE JAM.



On or about April 10, 1909, the St. Louis Syrup and Preserving Company, St. Louis, Mo., shipped from the State of Missouri to the State of Oklahoma a quantity of two food products, one of which was labeled "Strawberry, Clymer's Brand Jam. St. Louis Syrup & Preserving Co., U. S. A. The contents of this package is a compound of 50% fresh fruit; 30% granulated sugar, with 12% apple juice and 8% corn syrup. No coloring or preservative used. Serial No. 8563. St. Louis Syrup & Preserving Co."; the other bore the identical label except that the word "Quince" was substituted in the second label for the word "Strawberry". Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said St. Louis Syrup and Preserving Company and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Missouri against the said St. Louis Syrup and Preserving Company, charging the above shipment and alleging that the former of the products so shipped was adulterated, in that it contained 38.8 per cent of commercial glucose or corn syrup, said commercial glucose having been mixed and packed with the product so as to reduce, lower, and injuriously affect the quality of said product, and in that said commercial glucose had been substituted in part for strawberry jam, and that the second of the above products was adulterated, in that it contained 64.45 per cent commercial glucose or corn syrup, said commercial glucose having been mixed and packed with said product in such a manner as

to reduce, lower, and injuriously affect the quality of said product, and in that said commercial glucose had been substituted in part for quince jam; and alleging that the former of the above products was misbranded, in that the label thereon was false and misleading and such as to deceive and mislead the purchaser, as it represented said product to contain but 8 per cent of corn syrup, when in truth and in fact it contained 38.8 per cent thereof, and that the latter of said products was misbranded in that the label thereon was false and misleading and such as to deceive and mislead the purchaser, as it represented said product to contain 8 per cent of corn syrup, when in truth and in fact it contained 64.45 per cent thereof.

On October 8, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$40 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *November 9, 1910.*

Issued December 17, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 699, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF CORN SYRUP AND SORGHUM COMPOUND.

On or about October 23, 1909, the St. Louis Syrup and Preserving Company, St. Louis, Mo., shipped from the State of Missouri to the State of Texas a quantity of a food product labeled "Tiger Brand 5 lbs. Corn Syrup and Sorghum Compound, 50% Corn Syrup, 50% Sorghum, St. Louis Syrup & Preserving Co., St. Louis, Mo." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said St. Louis Syrup and Preserving Company and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Missouri against the said St. Louis Syrup and Preserving Company, charging the above shipment and alleging that the product so shipped was adulterated in that it contained 65.8 per cent of commercial glucose or corn syrup, whereas the label upon said can declared that it was a compound containing 50 per cent of corn syrup, and in that in the manufacture of said product commercial glucose or corn syrup had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality, and in that said commercial glucose or corn syrup had been substituted in part for the article described in the label above set forth; and alleging the product to be misbranded in that the label on the container, as above set forth, was false and misleading and such as to deceive and mislead the purchaser,

as it represented the product to contain but 50 per cent of corn syrup, when in truth and in fact it contained 65.8 per cent thereof.

On October 8, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$20 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

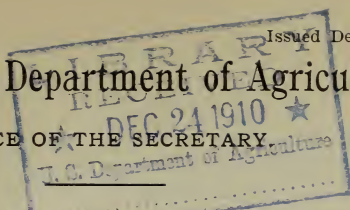
WILLIS L. MOORE,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *November 9, 1910.*

Issued December 22, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY



## NOTICE OF JUDGMENT NO. 700, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF PEACH PRESERVES.

On or about December 1, 1909, the St. Louis Syrup and Preserving Company, St. Louis, Mo., shipped from the State of Missouri to the State of Texas a quantity of food product labeled "Tiger Brand Preserves. Peaches. St. Louis Syrup & Preserving Co., St. Louis." Samples of this product were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and the report thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said St. Louis Syrup and Preserving Company and the party from whom the samples were purchased were afforded opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Missouri against the said St. Louis Syrup and Preserving Company, charging the above shipment and alleging that the product so shipped was adulterated, in that it contained 20.37 per cent of glucose and in that said glucose had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality, and in that said glucose had been substituted in part for the article described in the above label; and alleging the product to be misbranded, in that the label above set forth was false and misleading and such as to mislead and deceive the purchaser into supposing he was buying pure preserved peaches, when in truth and in fact the product was adulterated with glucose.

On October 8, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$20 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

WILLIS L. MOORE,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 9, 1910.



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Ranney-Davis Mercantile Co.....	511
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Newport Mill Co.....	358
Weilder, Sam. W., Co.....	170
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Asheville Grocery Co.....	179
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Bosley, George W.....	331
Boyer, Albert A.....	425
Dixon, Charles H.....	479
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Howard, Lynden W.....	268
Irvine, John.....	307
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Todd, J. B.....	513
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Greek Currant Co.....	356
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Horpel, Louis.....	166
Desiccated eggs. ( <i>See</i> Eggs, Desiccated.)	
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Armour & Co. ....	675	Rippey, William. ....	444
Buffalo Cold Storage Co. ....	295, 482	Sauer, C. F., Co. ....	532
Cohen, Samuel. ....	103	Semrad Chemical Co. ....	661
Cornwell, Charles W. ....	675	Spies, Chas., & Co. ....	150
Culver, E., & Co. ....	295	Standard Extract Co. ....	532
Eberle, C., & Sons. ....	46	Styron, Beggs & Co. ....	237
Golden & Co. ....	22	Suffolk Drug & Extract Co. ....	147
Rogerson, F., Co. ....	7	Symms-Utah Grocery Co. ....	637
Spencer & Howes. ....	46	Thomson & Taylor Spice Co. ....	149
Eggs, Crystal:		Tillman & Bendel. ....	416
St. Louis Crystal Egg Co. ....	657	Ullman, Dreifus & Co. ....	689
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Adams Baking Co. ....	613	Wrisley, Allan B., Co. ....	660, 662
Cloud, L. V. ....	362	Extract, Orange:	
Columbia Desiccated Egg Co. ....	227, 305, 359, 665	Semrad Chemical Co. ....	661
Country Club Egg Co. ....	676	Webb Mfg. Co. ....	408
Crandall Petee Co. ....	682	Extract, Peach:	
Holmes & Son. ....	227	Webster, E. R., & Co. ....	520
Monarch Desiccated Egg Co. ....	272	Extract, Pineapple:	
National Bakers' Egg Co. ....	544	Mobile Drug Co. ....	152
Wood & Selick. ....	614	Extract, Raspberry:	
Eggs, Evaporated:		Dwight-Edwards Co. ....	91
Armour & Co. ....	252	Extract, Strawberry:	
Weaver, C. H., & Co. ....	618	Dwight-Edwards Co. ....	91
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Iowa Butter & Eggs Co. ....	462	Howell, H. B., & Co. (Ltd.) ....	143
Malter, Max, Co. ....	492	King Bros., Shilstone & Saint (Ltd.) ....	122, 218
Sloan, Henry, Co. ....	494	Newton Tea & Spice Co. ....	380
Smithson, R. ....	377, 486, 537	Warner-Jenkinson Co. ....	246
Eggs, Liquid:		Extract, Vanilla:	
Brown, Morris. ....	224	Blanke-Baer Chemical Co. ....	242
Sloan, Henry, & Co. ....	224	Crown Mfg. Co. ....	640
Eggs, Preserved whole:		Ennis, Hanly, Blackburn Coffee Co. ....	148, 478
Hipolite Egg Co. ....	508	Fitch, John H., Co. ....	140
Thomas & Clarke. ....	508	Hall-Whitney Mfg. Co. ....	663
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Extract, Almond:		Heinle, Charles L., Specialty Co. ....	389
Midland Grocery Co. ....	142	Interstate Chemical Co. ....	139
Extract, Banana:		Ludlow-Robson Co. (Inc.) ....	548
Webb Mfg. Co. ....	405	McCormick & Co. ....	135
Extract, Lemon:		Monroe Pharmacal Co. ....	151
Atwood & Steele Co. ....	313	Paddock Coffee & Spice Co. ....	123
Beggs, Frank L. ....	237	Puhl Mfg. Co. ....	320
Burke, Nicholas, Co. (Ltd.) ....	115	St. Louis Coffee & Spice Mills. ....	301
California Perfume Co. ....	500	Sauer, C. F., Co. ....	532
Campbell, J. S., Co. ....	259	Standard Extract Co. ....	532
Christian Bros. Co. ....	534	Steinbock & Patrick. ....	14
Closset & Devers. ....	536	Williams, R. C., & Co. ....	692
Crandall Petee Co. ....	684	Woodworth, C. B., Sons Co. ....	5
Cumberland Manufacturing Co. ....	56	Wrisley, Allan B., Co. ....	662
Drefus, Samuel. ....	689	(See also Vanoleum.)	
Dwight-Edwards Co. ....	91	Farina. (See Gluten farina.)	
Earl, Clark W. ....	480	Feeds:	
Forbes Bros. Tea & Spice Co. ....	339	Biles, J. W., Co. ....	102
Hall-Whitney Mfg. Co. ....	644	Bridgeport Mills. ....	464
Hallock-Denton Co. ....	277	Capital Grain & Mill Co. ....	66
Harrison, W. H., & Co. ....	281	Huff, Jesse B. ....	464
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Hetfield Extract and Mfg. Co. ....	627	Read Bros. ....	463
Hilbert, A. J., & Co. ....	141	Wells, J. Lindsay, Co. ....	230
Kimball Bros. & Co. ....	411	(See also Bran; Cerecut, Chicken feed;	
Knoxville Drug Co. ....	585	Meal; Oats.)	
Lowe, J. L. ....	585	Feeds, Badger dairy:	
Mackie, Albert, Grocer Co. ....	130	Krause, Charles A., Milling Co. ....	172
Mobile Drug Co. ....	152	Feeds, Banner:	
Newmark Bros. ....	601	Dewald, N. ....	171
Paddock Coffee & Spice Co. ....	136	Quaker Oats Co. ....	171

Feeds, Boss chop:	N. J. No.	Gluten farina:	N. J. No.
Great Western Cereal Co.....	468	Acme Mills Co.....	250
Feeds, Corn alfalfa horse:		Gluten feed. ( <i>See Feeds.</i> )	
Guthrie & Co.....	322	Gluten flour:	
Feeds, Corn chop:		Acme Mills Co.....	250
McEwen Grain Co.....	540	The Birkett Mills.....	3
Feeds, Globe flour middlings:		Grains. ( <i>See Feeds.</i> )	
Daily, E. P.....	119	Grape juice:	
Globe Elevator Co.....	314	Bass Islands Vineyards Co.....	450
Feeds, Gluten:		Hen-e-ta bone grits:	
Clinton Sugar Refining Co.....	391	Hen-e-ta Bone Co.....	625
Feeds, International gluten:		Herring:	
Globe Elevator Co.....	315	Grilly, J. H.....	257
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Dickerson, Samuel T., jr.....	435	American Ice Co.....	299
Hellman, Joseph W.....	174	Kimberly, Samuel A.....	299
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Pillsbury, Herbert P.....	256	Bischof, Joseph J.....	438
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Waller, A., & Co.....	400	Ice cream clams:	
Feeds, Stafolife:		Consolidated Wafer Co. (Inc.).....	672
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Feeds, Sucrene dairy:		Consolidated Wafer Co. (Inc.).....	672
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Adamson, W. L., Co.....	306	Ice cream powder, Cream-x-cel-o:	
Haff, A. W.....	666	Acme Extract & Chemical Works.....	402
Higgins, Charles C., Co.....	306	Eckert, Edwin G.....	402
Kingsland & Comstock.....	664	International gluten. ( <i>See Feeds.</i> )	
McIntyre, J. K., Co.....	306	International Sugared feeds. ( <i>See Feeds, International Sugared.</i> )	
Monterey Packing Co.....	365	Jam:	
Orr, W. J., Fish Co.....	306	Boyle, John, & Co.....	499
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Semrad Chemical Co.....	659	Home Fruit Co.....	641
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Brewer, W. C., & Co.....	113	Bishop & Co.....	602
Carter, Seymour.....	12	Jam, Quince:	
The Gardner Mill.....	12	St. Louis Syrup & Preserving Co.....	476, 698
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La Grande Milling Co.....	439	Bishop & Co.....	602
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Wasco Warehouse Milling Co.....	443	Williams Bros. Co. (Inc.).....	238, 552
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Ventrone, F. P.....		167	Kirby, J. C.....		125
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Fitzgerald, William.....		526	Milk, Powdered:		
Geiger, Joseph.....		125	Beckman, W. E., & Co.....		273
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Harbin, Charles.....		88	Rice, Ervin A., Co.....		639
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Lucca Olive Oil Importing Co. ....	453, 634	Provident Chemical Co. ....	300, 656
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Marrone & Lofaro. ....	560	Preserved eggs. ( <i>See Eggs, Preserved whole.</i> )	
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Rosenberg Bros. & Co.....	531	Strawberry extract. ( <i>See</i> Extract, Strawberry.)	
Walker, W. B., & Sons.....	596	Strawberry jam. ( <i>See</i> Jam, Strawberry.)	
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Tolman, John A., & Co.....	271	Corizzo Extract Co.....	619
Wilder, D. R., Mfg. Co.....	106, 324	Vinegar:	
Sirup, Cherry. ( <i>See</i> Cherry sirup.)		Baltimore Mfg. Co.....	61, 62, 394, 561
Sirup, Corn:		Barrett & Barrett.....	289, 318, 690
Bubb, George, & Sons.....	100	Board, Armstrong & Co.....	311, 584
Corn Products Refining Co.....	100	Braun, A., Mfg. Co.....	195, 195 suppl.
Sirup, corn and sorghum compound:		Carroll, M. O., Grocery Co.....	169
St. Louis Syrup and Preserving Co.....	699	Chandler, B. T., & Son.....	653
Sirup, Maple:		Erdmann's, H., Sons.....	570
Baker Preserving Co.....	209	Gordon, Charles W.....	679
Charboneau, E. A., Co.....	98	Gordon Vinegar Co.....	189, 679
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Gordon Syrup Co.....	412	Gregory, O. L., Vinegar Co.....	286, 593
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Harrison, H. P., & Co.....	561	Finley, Frank M.....	175
Hirsh, Charles L.....	197	French Lick Springs Hotel Co.....	121
Hughes, R. M., & Co.....	278	Great Bear Spring Co.....	41
Illinois Vinegar Mfg. Co.....	23	Lindsay, John C., & Co.....	375
Ingham Vinegar Co.....	398	Meisezahl, Charles, Mfg. Co.....	78
Keller-Lorenz Co.....	243	Tuckahoe Mineral Springs Co.....	424
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Leroux Cider & Vinegar Co....	168, 200, 621, 685	Whisky:	
Mills Preserving Co.....	199	Davis & Atkins.....	361
Mount Pickle Co.....	678	Gooderham & Worts.....	15
Oakland Vinegar & Pickle Co....	193, 232, 688	Hannis Distilling Co.....	353
Oklahoma Supply Co.....	23	Kohlmeyer, Jacobs & Hyamns Co. (Ltd.)..	353
Paxton & Gallagher Co.....	626	Lanahan, William, & Sons.....	595
Price & Lucas Cider & Vinegar Co....	73, 240	Louisiana Distillery Co. (Ltd.).....	68
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Robinson Cider & Vinegar Co.....	207	Thierman, H. A., & Co.....	349
Saunders', E. A., Sons Co.....	62	Wine:	
Southern Fruit Produce Co.....	597	Dorn, John G.....	83
Speilmann Bros. Co.....	399, 626, 681	Schmidt, Jr., A., & Bros. Wine Co.....	83
Spence-Nunnamaker Co.....	61	Sweet Valley Wine Co.....	83
Steinhorst-Morrin Pickle Co.....	645	Wine vinegar. (See Vinegar.)	

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Analgin Tablet Co.....	276	Cancerine:	
Burns, George W.....	276	Wilson, C. Henry.....	427
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Bruen, Ritchey & Co.....	583	Leach, Leon T.....	606
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Prescription Products Co.....	697	Blackburn, Robert.....	32
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Shufeldt, Henry A., & Co.....	612	Birmingham Celery Cola Co.....	326
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Beitzel, A. E.....	134	Ingram, Frederick F., & Co.....	598
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Stearns, Frederick & Co.....	345	Brown, Henry R.....	465
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Steinhardt Bros. & Co.....	501	Falling-Nellis Drug Co.....	624
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Knowlton Danderine Co.....	284	Gearan, J. F.....	569
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Starnes, W. A.....	694	Sure Pop Co.....	633
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Eau Sublime hair coloring:		less:	
Guilmard, Hippolyte.....	434	Summers, Gabriel R.....	631
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La Cattel Mfg. Co.....	433	Headache tablets, Howe's:	
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Falck, John A., Co.....	418	United Drug Co.....	559
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Flag Salt Remedy Co.....	495	Pullen-Richardson Chemical Co.....	428
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Rosenthal, H., & Son. ....	467	Wells Medicine Co. ....	630
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